# SAVING THE SOUL OF GEORGIA

## DONALD L. HOLLOWELL AND THE STRUGGLE FOR CIVIL RIGHTS

Maurice C. Daniels

Foreword by Vernon E. Jordan, Jr.



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*To Carrin, Lauren, Nicole, Maya,*
*and to the memory of my brother, LaFronzo Daniels*

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# Foreword

## Vernon E. Jordan, Jr.

From the time of Donald L. Hollowell's birth in 1917 to his death in 2004, black Americans faced what historian W. E. B. Du Bois called the problem of the twentieth century—"the problem of the color line." During Hollowell's lifetime black soldiers fought in two world wars for a country that subjected blacks to second-class citizenship; state-sanctioned educational policies barred blacks from equal opportunities in public schools and colleges; an oppressive criminal justice system routinely denied blacks due process of law and the right to serve on juries; the health-care system prohibited blacks from access or relegated them to inferior treatment; and blacks faced systemic racial discrimination in areas such as employment, housing, public accommodations, transportation, and voter registration. Yet Hollowell also saw a massive social movement transform the racial landscape of America, along with the signing of executive orders and passage of numerous laws to ensure civil rights. His life was a testament to the struggles of black Americans in the twentieth century, struggles in which he figured prominently. Hollowell's long and illustrious career as an attorney and freedom fighter in the American South spanned the entire second half of the twentieth century.

I learned of Donald Hollowell's reputation as a civil rights lawyer when I was a young man growing up in Atlanta in the 1950s. Back then Hollowell was affectionately known as "Mr. Civil Rights," a man who combined his interest in law with his passion for social justice. After moving to Atlanta in 1952, he became actively involved in community organizations such as the

NAACP, and his activism in the community complemented his courtroom efforts to win civil rights for blacks.

As a Howard University law student who dreamt of returning home to practice civil rights law, I set my sights on securing a job in my hometown with one of the few Georgia lawyers who acted as cooperating attorneys for the NAACP, serving as local counsel when the Legal Defense Fund (LDF) pursued cases in the area. Kenneth Days, my bandmaster at David T. Howard High School and a friend and fraternity brother of Hollowell, encouraged Hollowell to meet with me when I came home for Christmas break in 1959. I saw firsthand in that meeting how committed he was to social justice and civil rights.

I started working for Hollowell for thirty-five dollars a week in May 1960, a few days after I graduated from law school. He was taking on cases in Atlanta while at the same time crisscrossing Georgia to defend blacks in remote locales and to assist the LDF in obtaining equal rights for blacks in public schools, public accommodations, voting, and many other areas. Amazingly, he had been a sole practitioner without a law clerk for eight years. Hollowell desperately needed help, so when I joined his law office I became his law clerk, researcher, legal interlocutor, and chauffeur. Being in close contact with the man for many hours, I learned what I could not have learned in law school. I learned not only the craft of being a lawyer but also how to successfully navigate a judicial system that had little regard for black attorneys and accorded even less respect and fairness to black clients.

Many days and nights I traveled with Hollowell to the backwoods outposts and urban centers of Georgia, defending the rights of numerous black men unjustly charged with crimes under the Jim Crow system. One case in particular that Maurice C. Daniels covers in detail in chapter 8 of this biography is that of Nathaniel Johnson, a black man sentenced to die for allegedly raping a white woman. Hollowell rushed to help after Augusta NAACP president Reverend C. S. Hamilton called to inform him that Johnson was incarcerated in the Tattnall County State Prison awaiting execution.

In a hearing the day before the scheduled execution, I stood with Hollowell in the U.S. courthouse of the Southern District of Georgia before avowed segregationist Judge Frank Scarlett, seeking a stay of execution for Johnson. Hollowell's most reasoned arguments failed to move Judge Scarlett. In the ensuing twenty-four hours I witnessed Hollowell's remarkable commitment to his client and his relentless determination to see that justice was served. I also saw his extraordinary compassion for his client as he meticu-

lously and exhaustively pursued every possible legal avenue trying to save Johnson's life.

I learned vital lessons from Hollowell's humanity and compassion in this case, lessons that guided me in my legal practice and continue to serve as a model for my actions today. Equally instructive were Hollowell's lessons about preparation, tenacity, and perseverance as a legal advocate. And from this case, I acquired an intimate understanding of Hollowell the man, the humanitarian, the legal scholar and theorist, the tactician, and the pragmatist.

From this case on, I continued to watch carefully and to learn many valuable lessons that shaped the lawyer and the man I am today. I assisted Hollowell with dozens of cases in Atlanta and throughout Georgia—cases involving the defense of black people often charged with capital crimes and precedent-setting cases that challenged the Jim Crow system in the context of the Fourteenth Amendment. The most celebrated case asserting equal justice under the law on which I assisted Hollowell was *Holmes v. Danner*, in which Hollowell and his clients fought to desegregate the University of Georgia (UGA).

Daniels provides a rich and well-documented account of that case in chapter 4. Hollowell, as an activist lawyer, played a key role in selecting Hamilton Holmes and Charlayne Hunter, two brilliant young students from Atlanta, to seek admission to UGA in 1959. The state of Georgia at that time used every available ploy to sustain segregation in its institutions, and UGA was no exception. Holmes and Hunter were summarily rejected by university officials, and Hollowell ultimately filed a lawsuit to gain their admission.

Hollowell served as chief counsel, working with the LDF. Under the tutelage of Hollowell and LDF counsel Constance Baker Motley, cocounsel Horace T. Ward, Atlanta University assistant registrar Gerald Taylor, and I carefully and thoroughly searched UGA admissions records for differences between the treatment of Holmes and Hunter and that of white students who had applied after them. I was lucky enough to find incontrovertible evidence that Holmes and Hunter were rejected due to their race.

Hollowell marshaled the legal team and meticulously crafted and executed the case. His and Motley's orchestration of the trial preparation and their gifted lawyering in the courtroom were something to behold, completely mesmerizing at times. I remember vividly Hollowell's booming baritone voice and precise diction, his sharp intellect, his commanding knowledge of the law and the Constitution, his imposing stature, and his debonair

style, all of which epitomized the ideal of the "race man." Hollowell's legal acumen was matched by his outreach to his young clients. Transcending his role as an activist lawyer, he embraced Charlayne and Hamilton as if they were his own children. He not only provided tremendous moral support for them throughout the protracted legal process but also befriended them and mentored them over many years. Hollowell was very popular among his clients, especially the many student activists who regarded him as the movement's lawyer.

From the 1960 *Holmes* case until Hollowell's death in 2004, he was my mentor and friend and often provided wise counsel to me personally and professionally. Simply put, he was *my man*. Whatever I have accomplished, I owe in large measure to Hollowell's giving me my first opportunity to work in the law, providing a brilliant model for me to emulate, and guiding me over the years. At the same time, it should be underscored that Hollowell tutored and trained dozens of lawyers. He inspired many of them to commit themselves to the cause of social justice and, following his brave example, even to risk their personal safety for this worthy cause.

The mourners at Mr. Hollowell's funeral, held in the Martin Luther King Jr. International Chapel on the campus of Morehouse College, were in many ways a Who's Who of Atlanta and the civil rights movement. Present were U.S. Ambassador Andrew Young, journalist Charlayne Hunter-Gault, federal judge Horace T. Ward, Rev. Dr. Joseph E. Lowery, Atlanta mayor Shirley Franklin, civil rights attorney Howard Moore, and many unsung soldiers who fought in the battle for civil rights in Georgia. Notably, many of Hollowell's former clients attended the service—some, such as Preston Cobb, literally owed their lives to him. In chapter 7, Daniels provides an insightful and crisp account of Hollowell's rescue of the fifteen-year-old Cobb from death row in Reidsville's maximum-security prison.

The massive show of respect for Hollowell and the immense gratitude for his work were reminders of the many lives he had influenced and the impact of his legal work and activism on the fabric of American democracy. Hollowell was no less significant than other revered legal thinkers and freedom fighters of the twentieth century. For me, he was and remains as significant as Martin Luther King Jr., W. E. B. Du Bois, Fannie Lou Hamer, and many other well-known activists in the black freedom struggle.

*Saving the Soul of Georgia* is a magnificent account of Hollowell's remarkable civil rights work and appropriately records his place in history. Moreover, in telling Hollowell's story this distinguished study also illuminates

the work of many other unsung lawyers and activists, such as the brilliant and courageous C. B. King, who made invaluable contributions to the civil rights movement. The book offers a salient account of the broad and complex struggle for racial equality in Georgia, including some of the legal work and direct action that advanced civil rights in Atlanta, Albany, Savannah, Augusta, Macon, and other Georgia cities. Notably, *Saving the Soul of Georgia* provides a rich and detailed account of Hollowell's activist role and legal work in the Albany Movement and the Atlanta student sit-ins.

Alongside his work as a great civil rights lawyer, I knew Hollowell to be a devoted husband to the love of his life, Louise Thornton Hollowell. They were married more than six decades, and Louise was a source of great strength and support for Hollowell. He was also deeply religious and, as he often said, he felt he was responding to a "sacred call" to fight the good fight for freedom and justice. He was a great servant-leader in the CME Church and an influential member of his fraternity, Kappa Alpha Psi, as well as a number of community activist organizations.

Several years ago, Maurice C. Daniels, dean of the School of Social Work at the University of Georgia, approached me about chairing a committee to endow the Donald L. Hollowell Distinguished Professorship for Social Justice and Civil Rights Studies. Needless to say, it was a distinct honor, and I was delighted that my mentor—"America's lawyer"—would have a professorship established in his name. I am grateful to Dean Daniels for having the vision to create this professorship to carry on Donald Hollowell's legacy and to establish an interdisciplinary center at Georgia's flagship institution to continue advancing the struggle for social justice and human and civil rights. My special thanks to former UGA president Michael Adams, who supported the establishment of the professorship from its inception, and to the many friends, donors, and supporters who helped bring the endowment to fruition.

For several decades, I have believed that a comprehensive treatise on Donald Hollowell was needed to highlight his legal and political acumen and illuminate the significance of his work in the broader black freedom struggle. The work I envisioned now appears with Maurice C. Daniels's *Saving the Soul of Georgia: Donald L. Hollowell and the Struggle for Civil Rights.* Through this book, the great work and remarkable life of Donald L. Hollowell will live on for posterity.

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# Acknowledgments

While the impetus for this book stems from the importance of chronicling the phenomenal work of Georgia's foremost unsung civil rights activist and lawyer, the work was also inspired by the influence of unsung grassroots activists on my own upbringing. I was especially inspired by my parents, Eddie Daniels Sr. and Maggie C. Daniels, who grew up on small farms in rural Georgia. My paternal and maternal grandparents had little formal education and struggled to make ends meet. Nevertheless, they valued education and made it possible for my parents to attend Fort Valley State College (FVSC), Georgia's underfunded "separate but equal" land grant college for black students.

Though FVSC had nowhere near the resources available at the land grant university for white students, the University of Georgia, my parents and other FVSC students came under the influence of eminent educators and race leaders such as FVSC presidents Horace Mann Bond and Cornelius V. Troupe, who shaped the college into an oasis in south rural Georgia for blacks seeking to improve their lot.

My father, a school principal, and my mother, an elementary school teacher, reared my siblings and me in Rochelle, Georgia, a thoroughly segregated community. As in most rural southern towns in the 1950s and 1960s, blacks did not sit in at segregated establishments or march on picket lines, and there were few opportunities to join the NAACP, the SCLC, or SNCC. Nonetheless, despite the rigid racial caste system that relegated blacks to second-class citizenship, in their own quiet but steadfast way my parents, like other black parents across the South, instructed their progeny to have faith in God and guided us to develop self-confidence and embrace a sense

of racial pride. Their resolve to educate their children and prepare them to overcome racial inequality was itself an influential form of activism that advanced the cause of social justice.

My parents carefully tutored us on how to survive and surmount Jim Crow obstructions. At the same time, they relentlessly urged us to get a good education, which they insisted would not only help us earn a good living but would also increase our capacity to overcome racial injustice. To this day the names of many community activists across the South who helped advance the black freedom struggle remain unknown and their stories remain untold. Despite their anonymity, however, they are indeed heroes who helped shape a world that makes the promises of democracy more of a reality for all Americans.

Many individuals helped me in researching and writing this book. I was privileged to be guided by Donald L. Hollowell, who provided valuable insights into his civil rights work and activism. In addition to the firsthand information secured from interviews with him, he introduced or directed me to many of his contemporaries, who also provided rich accounts of his civil rights lawyering. Equally invaluable were my interviews with his wife, Louise T. Hollowell, to whom he was married for sixty-two years. My thanks to her for allowing me to come into her home on several occasions to sift through Hollowell's personal papers, which now have been archived at the Auburn Avenue Research Library on African American Culture and History in Atlanta.

Among the rich sources for this study to whom Hollowell directed me is his former law clerk, Vernon E. Jordan Jr., who provided keen insights on Hollowell. Jordan has been a great mentor and friend throughout this research process. Hollowell also guided me to his law partners, Horace T. Ward and Howard Moore Jr., who provided vital insights for the study, critiqued drafts of the manuscript, and went far beyond the call of duty to provide personal accounts of their work with Hollowell.

My deepest appreciation goes to all the individuals I interviewed for this book who generously shared their experiences with me. Their candor and insights were vital to telling this story. I am particularly grateful to Superior Court of Fulton County judge Marvin Arrington, Julian Bond, Robert Brisbane, federal judge William A. Bootle, Mary Frances Early, Jesse Hill, Dr. Hamilton Earl Holmes, Isabella Holmes, Charlayne Hunter-Gault, Carol King, Chevene B. King Jr., Lonnie King, Preston King, Congressman John Lewis, Reverend Dr. Joseph E. Lowery, federal judge Constance Baker Mot-

ley, Georgia Court of Appeals judges Herbert Phipps and John Ruffin, Reverend Charles Sherrod, Frank Smith Jr., former Georgia governors Herman Talmadge and Ernest Vandiver, and Ambassador Andrew Young. One of the most memorable interviews was with Preston Cobb, the fifteen-year-old charged with murder in 1961, whose dramatic release from death row was secured by Hollowell only five days before his scheduled execution.

The encouragement, meticulous feedback, and perceptive editing of my friend and colleague Diane Miller enriched this work significantly. Diane's sage advice and acumen were especially helpful in keeping me on task to bring this project to completion. I am especially indebted to Charles Duncan and Norma Duncan for taking me tenderly but firmly under their wings and providing inspiration, assistance, and important editorial recommendations for improving this book. Charles Duncan's editorial work on the script for the documentary *Donald L. Hollowell: Foot Soldier for Equal Justice* also helped shape my thinking with regard to developing this book.

It is difficult to express in words the value of my friend and mentor, Derrick P. Alridge, in writing this book. Derrick and I discussed the conceptualization of this work in its early stages during his tenure as a professor at the University of Georgia. After accepting a position at the University of Virginia, Derrick continued to encourage and challenge me to do the research to complete this study despite the obstacles my administrative position often posed. His in-depth knowledge of civil rights history guided me to important archival sources and helped me to address salient issues.

I also thank my colleagues at the annual conferences of the Association for the Study of African American Life and History who provided intellectual affirmation and inspiration, including Timuel D. Black, Aaron D. Gresson, Daryl M. Scott, James B. Stewart, Larry L. Rowley, Dwight D. Watson, Maurice J. Hobson, Cameron Van Patterson, and Cornelius Bynum. I am grateful as well to my University of Georgia colleagues who provided encouragement, including Louis A. Castenell Jr., Cheryl D. Dozier, Carl Glickman, Jerome E. Morris, Letha A. See, June Gary Hopps, Obie Clayton Jr., Geraldine Jackson-White, Ray H. MacNair, Ron Baxter Miller, Harold E. Briggs, and Katheryn B. Davis. Equally inspirational and intellectually stimulating were discussions with colleagues at other universities, including Lawrence E. Gary, Andrew Billingsley, Vicki L. Crawford, Iris Carlton-Laney, Dorcas D. Bowles, Ghangis D. Carter, and Asa G. Hilliard III.

My deepest thanks also to Lonnie King and Preston King, who read chapters and provided key firsthand information. Their advice and critiques

greatly enhanced this book. I have benefitted enormously from the essential support and inspiration of Georgia Supreme Court justice Robert Benham and federal judge Clarence Cooper. I am also grateful for the unwavering support of William R. Jenkins and Bryndis W. Roberts.

Many of the interviews were video recorded for the Donald L. Hollowell documentary, produced by the Foot Soldier Project for Civil Rights Studies at the University of Georgia. Janice Reaves played a key role in helping to produce the documentary and coordinating the interviews. I am grateful for her contributions and the instrumental roles of Valerie D. White and Carrin E. Daniels in the film production. I am especially thankful to Stephen Bridges and Bobby Mitchell for their expert television production services and editing and to Terry Singleton for her script development and writing for the documentary, which provided a valued source for this book. Charlayne Hunter-Gault narrated the documentary and provided keen insights on Hollowell during an interview. My deepest thanks for her support.

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This research would not have been possible without the help of many research assistants and staff members. I would like to particularly acknowledge Laurie Reyman and Michelle Estile for their careful and thorough research, initiative, and creativity. They were invaluable in helping uncover obscure documents essential to this study. Thanks also for the able assis-

tance of Cassandra Tolbert, Jeanell Muckle, Deborah Franco, Linda Drummond, Harold Waters, and Mulu Yilma.

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# Saving the Soul of Georgia

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# Introduction

I first met Donald Hollowell in 1990 on the campus of the University of Georgia (UGA) in Athens, Georgia, during an annual lecture honoring Hamilton Holmes and Charlayne Hunter (now Charlayne Hunter-Gault), whom Hollowell represented in the historic *Holmes v. Danner* case, which resulted in UGA's desegregation.[1] The university president's office asked me, as president of the UGA Black Faculty and Staff Organization (BFSO), to escort Hollowell and his wife, Louise T. Hollowell—a bold civil rights advocate in her own right—during their campus visit. I was to meet the Hollowells at a reception attended by more than two hundred administrators, faculty, students, and community leaders.

As Donald Hollowell entered the reception, it was as though that moment was suspended in time. He had the kind of presence I have witnessed only a few times in my life, one that is difficult to describe. He was handsome, debonair, charismatic, and dignified. When a colleague introduced me to him, he bowed and shook my hand, somehow making me feel for that moment that I was *his* honored guest. In a deep baritone voice, meticulously enunciating every syllable, he said, "What a distinct honor to meet such a distinguished professor at the University of Georgia. I am deeply honored to be in your presence."

As we chatted, he talked about what an accomplishment it was for me to serve as a professor at UGA. I was stunned by his sincere humility and deference and, frankly, embarrassed. As a highly

privileged beneficiary of his work, I desperately wanted to shift the conversation and express my thanks to him for championing the cause of desegregating the university; however, I simply could not find the right moment to interrupt this great man who had such a noble presence, so I remained quiet.

Fortunately, in my role as president of the Black Faculty and Staff Organization and later as director of the Foot Soldier Project for Civil Rights Studies, I had the opportunity to escort the Hollowells on numerous occasions during their visits to the university over the next decade and to honor Donald Hollowell formally for his achievements. In 2000, the Foot Soldier Project for Civil Rights Studies presented Hollowell with the inaugural Foot Soldier for Equal Justice Award for his achievements in civil rights. In my remarks before a standing-room-only audience, I saluted him as a quintessential leader who had done so much for so many with such grace, dignity, and humility. Many of those in my generation had attained positions in education, business, politics, and other areas that would not have been possible without his civil rights work. Nonetheless, in dozens of meetings and in my personal interviews with him, he always presented himself with sincere humility.

Although Hollowell perennially deflected praise for himself, with no children of his own he spoke as a proud father when praising the accomplishments of those he had mentored.[2] His reminiscences inspired me to begin researching the civil rights movement and the story of the desegregation of the University of Georgia, which eventually led to the creation of the Foot Soldier Project for Civil Rights Studies, of which this book is a part.

I conducted my first interview with Hollowell on July 27, 1993, and he became my chief research consultant in my quest to chronicle the history of the desegregation of the University of Georgia. He guided and introduced me to civil rights leaders such as Vernon E. Jordan Jr. and Constance Baker Motley, as well as to high-profile southern opposition leaders including former governor and senator Herman Talmadge and former governor Ernest Vandiver. His powerful and dynamic influence led me to research the untold story of Horace T. Ward and his pioneering role in the desegregation of the University of Georgia. Hollowell had represented Ward in an assault on UGA's segregated law school, and Ward later became a partner in Hollowell's law firm. The research resulted in my book, *Horace T. Ward: Desegregation of the University of Georgia, Civil Rights Advocacy, and Jurisprudence*, and a companion public television documentary that chronicled Ward's story and the history of the desegregation of UGA.[3]

Hollowell trained dozens of lawyers, several of whom achieved national stature in politics and business as well as law. They include Vernon E. Jordan Jr., who moved to the forefront of the civil rights movement as president of the National Urban League; Horace T. Ward, who became Georgia's first black federal district court judge; and Howard Moore, who represented black activist Angela Davis in her nationally observed California trial. Hollowell inspired his protégés to selfless, courageous acts as social reformers. For example, Jordan ended his clerkship with Hollowell to serve as Georgia's field director for the National Association for the Advancement of Colored People (NAACP), one of the most dangerous jobs in the civil rights movement. In this role Jordan frequently traveled to remote areas of Georgia to investigate complaints related to civil rights violations—as did his counterpart in Mississippi, Medgar Evers.

Jordan noted that it was Hollowell's unfathomable courage that moved him to take on such work, attributing a great deal of his own courage to Hollowell's powerful example: "For a young man who wanted to become a civil rights lawyer, or any type of lawyer for that matter, there was no better teacher and mentor than Don Hollowell. . . . Traveling the dangerous roads of Georgia practicing law was old hat to him. A calm leader makes for calm troops. His demeanor set the tone for the rest of us."[4]

Hollowell's historical visibility has, for the most part, been limited to his role in the *Holmes v. Danner* case and his representation of Martin Luther King Jr. in the *King v. State* case.[5] Indeed, he etched his place in history in the *Holmes* case by leading the legal battle to desegregate higher education in Georgia and in the *King* case by securing King's release after he was sent to Georgia's maximum-security prison for a charge stemming from a minor traffic offense. Even in these cases, however, the full measure and impact of Hollowell's achievements have not been illuminated. For example, it is seldom noted that his influence on Hamilton Holmes and Charlayne Hunter in the landmark *Holmes* case helped lay the groundwork for desegregating higher education in other Deep South states as well.[6]

In fact, Hollowell accomplished a great deal more than is generally recognized. In addition to the *Holmes* and *King* cases, he played a pivotal behind-the-scenes role as lawyer and chief negotiator in the historic Albany Movement to desegregate the public facilities of Albany, Georgia, and surrounding counties. Hollowell and Albany's civil rights lawyer, C. B. King, represented King and Ralph Abernathy and secured the release of scores of demonstrators from Albany jails. Yet Hollowell is seldom acknowledged for

representing leaders and grassroots activists in this movement. Similarly, little attention has been paid to his role in the precedent-setting federal court victory overturning the restraining order that barred King and other movement leaders from mass demonstrations in Albany. Many scholars and civil rights leaders credit the Albany Movement with laying the groundwork for the Southern Christian Leadership Conference's (SCLC) effective use of mass demonstrations in other cities.[7]

Hollowell's legal work as a defense attorney and his commitment to racial justice saved the lives of many black men whose fate might otherwise have been Georgia's electric chair. This is not to say that he won every case; despite his legal acumen and at times heroic efforts, in some cases he failed to win justice for his clients or prevent their execution. Nonetheless, Hollowell's legal work, especially in small Jim Crow towns, provided the foundation for future cases and inspired those he mentored, such as Howard Moore, Vernon Jordan, and Horace Ward, to fight against racial oppression.

Hollowell, like other civil rights attorneys before and during his era, was committed to the cause of social justice and performed his civil rights work out of a sense of duty. In one of my interviews with him, he recalled that his compensation in most of the civil rights cases he litigated was limited to legal fees paid by the NAACP Legal Defense and Educational Fund (LDF). Created in 1940 as a separate, charitable, tax-exempt organization to do the legal work of the NAACP, the LDF often provided expert legal assistance and financial support to local civil rights lawyers.[8] Hollowell recalled, "There was no compensation. We got our expenses paid, but I don't have any recollection of there being any compensation. There were no monies that went into the corpus of our little firm. The rest of our practice helped us to keep our doors open."[9]

During Hollowell's service as chairman of the legal redress committee for the NAACP Georgia State Conference of Branches, he reported to the conference that often "there were not the funds available either in the State Conference Treasury or from the requesting individual with which to defray nominal expenses."[10] Even in his most celebrated case, which led to the desegregation of UGA, he recalled that he received only fees for legal expenses paid by the LDF. (Hamilton Holmes, who joined Charlayne Hunter as plaintiffs in the lawsuit, confirmed Hollowell's memory. In my interview with Holmes, who went on to become a successful orthopedic surgeon, he jokingly urged me not to remind Hollowell that "he never got paid."[11])

Hollowell's legal work covers a broad spectrum that not only helped justice prevail for individuals subjected to "quick" trials without due pro-

cess but also helped Georgia repudiate its segregationist past to become more economically, politically, and socially progressive. For example, in a little-known 1960 case that was nevertheless of great strategic importance, Hollowell represented a black businessman who was relegated to eating in a corner reserved for blacks in a restaurant in the Atlanta airport. As a result of Hollowell's triumph in the case, Dobbs Houses Inc. was barred from operating its segregated facility at Atlanta's airport.[12]

The airport desegregation represents just one of the overlooked or forgotten battles that Hollowell won as a quiet soldier in the struggle for social justice. For despite his success, scholars have virtually ignored him in chronicling the history of the civil rights movement. An illustration of Hollowell's obscurity is the omission of any mention of his work in the epic civil rights documentary series and companion book *Eyes on the Prize*.[13]

In 2002, concerned by the lack of recognition of Hollowell's achievements even by the University of Georgia, I recommended Donald Hollowell to the UGA honorary degree committee for an honorary doctor of laws (JD) degree. While I was confident that the committee would include him among the finalists, honorary degrees also require the approval of the university president and the Board of Regents, and Hollowell had humiliated the former university president, the chancellor, the regents, and other university officials in the 1961 *Holmes* case. I wondered if the university would come full circle and bestow its highest honor on a man who had so resoundingly defeated UGA in a case that was ultimately affirmed by the U.S. Supreme Court.[14]

Therefore, it was a momentous day when the office of the UGA president called to inform me that Hollowell had been approved by the Board of Regents to receive an honorary doctor of laws degree. In 2002 Hollowell became the seventy-fifth recipient of the degree, which, after the earned doctorate, is the highest recognition that UGA can bestow. It was a well-deserved honor for a man who had fought vigorously for justice for all Georgia citizens. The eighty-seven-year-old buffalo soldier died of heart failure on December 27, 2004, but his legacy lives on through the scores of individuals he influenced and inspired.

Although this book includes a brief discussion of Hollowell's early years, education, military service, and employment as a regional director of the Equal Employment Opportunity Commission, its primary focus is his career as Georgia's undisputed chief civil rights attorney during the critical years of the civil rights movement. Detailing both the challenges and his triumphs in his quest for social justice, it illuminates many of the formerly

unacknowledged civil rights cases he championed. In developing this manuscript, I interviewed Hollowell's colleagues and contemporaries and drew on a range of personal papers, first-person accounts, and other archival materials that helped to illustrate his struggle for equality in Georgia.

Hollowell was a pivotal behind-the-scenes figure whose distinctive story merits prominence in the history of civil rights in Georgia. As the lead legal strategist in the modern-day civil rights movement in Georgia, he led a handful of black lawyers who surmounted Jim Crow barriers to legally dismantle segregation. Hollowell and his colleagues also represented numerous black defendants in Georgia, including death-row inmates who were the victims of hasty, unjust trials carried out by a racially oppressive criminal justice system.

More than any other lawyer in Georgia, Hollowell devoted his practice to civil rights. Although he and his partners also practiced other forms of law to make ends meet, first and foremost, Hollowell was Georgia's civil rights lawyer. Moreover, he also recruited a few newly minted lawyers to join him in the civil rights battle. Hollowell's story thus sheds light not only on the contributions of his own work but also on the making of other black lawyers in Georgia whom he inspired with his legal acumen, his commitment to civil rights, and his courage under fire.

Hollowell faced racial discrimination personally and professionally as he struggled to achieve justice for his clients. He practiced in an era when blacks in the South were firmly relegated to second-class citizenship. The "public symbols and constant reminders" of the inferior position of blacks were codified in Jim Crow laws.[15] The law itself thus obstructed as often as it aided justice, and Hollowell and other black lawyers frequently faced obstacles with the bar itself. Hollowell encountered judges who turned their backs as he presented his arguments, opposition counsel who used racial epithets in open court, and even a bailiff who insisted that he try his case from a courtroom balcony.

Thurgood Marshall and the NAACP LDF tapped Hollowell as the principal lawyer in Georgia to represent the LDF in civil rights cases. Yet despite being Marshall's man in Georgia and often working under the aegis of the LDF, Hollowell exercised great autonomy in writing the briefs, filing the pleadings, and serving as the chief counsel in the courtroom. His clients, fellow barristers, judges, and even opposition lawyers admired his brilliant legal skills, imposing presence, and mastery of the "king's English," which enhanced his effectiveness in the courtroom.

In addition to his legal groundwork on civil rights cases in collaboration with the LDF, Hollowell and other black activist lawyers in Georgia and throughout the South helped build support for civil rights in their local communities. Outside the courtroom, Hollowell also engendered support for civil rights that was integral to the success of local movements. He often spoke at civil rights mass meetings in Atlanta and across the state, helping inspire local activists to protest racial discrimination, and he served as the featured speaker at signature civil rights events. In 1963, for example, Atlanta NAACP leaders selected Hollowell to speak on civil rights issues in Georgia during the centennial celebration of the Emancipation Proclamation.[16] Summing up the role of black activist lawyers, Hollowell observed, "Black lawyers have been fulcrums on which the see-saw of the civil rights movement was balanced. They have been advocates and defendants—the swords and shields—and educators in lifting the dignity of human beings in the courts as well as out of the courts."[17]

While Marshall and other well-known LDF lawyers such as Robert Carter, Jack Greenberg, and Constance Baker Motley are rightly credited for their expert counsel in historic cases such as the desegregation of the University of Georgia, Hollowell and lesser-known local black activist lawyers often performed the legal groundwork that led to these landmark decisions. Historian and legal scholar Tomiko Brown-Nagin correctly observes that the narrative of the legendary Marshall and the strategies of the LDF "dominate much of the legal history of the civil rights movement."[18] However, a new generation of scholarship has expanded its focus from chronicling the achievements of nationally renowned figures to illuminating the stories of the movement's lesser-known foot soldiers, revealing how much more remains to be learned about the remarkable social revolution that was the U.S. civil rights movement. The story of Donald L. Hollowell, the most influential lawyer in a state that was a battlefield of the movement, is one such story that needs to be told.

The narrative that follows demonstrates the power of combining the work of grassroots activists and local lawyers such as Hollowell with the efforts of better-known figures, and the success of this convergence in achieving legal victories across a wide spectrum of civil rights matters. In the historic *Holmes v. Danner* case, for example, Thurgood Marshall and LDF attorneys Constance Baker Motley and Jack Greenberg provided counsel, but it was Hollowell and Atlanta community activists who initiated the case and Hollowell who orchestrated the legal efforts. All too often, however, this latter element has been lost to history.

Without diminishing the accomplishments of celebrated figures, it is vital to chronicle the efforts of civil rights lawyers and grassroots protesters and their intersections with both the national NAACP and struggles for civil rights on the local level. This work examines the achievements of Georgia's chief civil rights barrister, who influenced social change from the bottom up within the larger context of the NAACP struggle, often in alliance with direct-action tacticians—yet whose contributions have remained largely unacknowledged.[19] Only by identifying the intersections between national organizations such as the NAACP and the work of local activists can we achieve a more accurate and complete understanding of the civil rights movement.[20]

This focus on Hollowell provides a grassroots view of the historical events that helped shape the struggle for civil rights in Georgia. The narrative captures his civil rights work in Atlanta as well as his work with grassroots leaders in other parts of Georgia. It covers well-known civil rights cases such as the desegregation of UGA while also chronicling the lesser-known, yet nonetheless significant, desegregation cases that provided the groundwork for that case. Recognizing the key figures and events in such unheralded cases enhances our appreciation of the struggles faced by ordinary citizens and by the movement in general.[21] The recovery of previously overlooked historical events and figures highlights the pivotal roles played by the many individuals, groups, and communities whose collective efforts yielded social change.

Hollowell made enormous contributions at many levels to the campaign for racial equality. He was a central figure in the Atlanta branch of the NAACP and in other branches that initiated many of Georgia's civil rights cases. Hollowell helped recruit and advise plaintiffs, and his all-encompassing support of his young clients often led them to regard him as a surrogate parent.[22] Hollowell argued their cases in the courtroom and coordinated their legal strategies with the LDF in New York. With the onset of a new militancy in the 1960s initiated by groups such as the SCLC, the Student Nonviolent Coordinating Committee (SNCC), and the Congress of Racial Equality, Hollowell became the principal lawyer representing jailed activists across the state. When internal differences emerged between "old-guard" black leaders who promoted a legal approach to social change and the younger generation who advocated direct action, Hollowell maintained both his stature as chief lawyer and the reverence of proponents of direct action.

In the radical black-owned *Atlanta Inquirer*, cofounded by Atlanta Student Movement activists, Hollowell was dubbed the "dean of Atlanta's Negro

lawyers and freedom fighters."[23] At a time when members of SNCC and other young activists strongly criticized many leaders of the movement—including Thurgood Marshall, Roy Wilkins, and Austin Walden—as too conservative, SNCC leaders embraced Hollowell as a "radical," describing him as a "militant civil rights attorney."[24] While Hollowell did not join demonstrators in jail-ins, his behind-the-scenes support and his speeches at civil rights mass meetings endeared him to the student activists.

Although Hollowell provided legal representation for the NAACP and the SCLC in the Albany Movement, when internal differences emerged in Albany between the NAACP and the SCLC leadership, on the one hand, and SNCC activists, on the other, Hollowell joined SNCC activists in advocating the leadership role of SNCC and grassroots activists. Undoubtedly, Hollowell's involvement during college with the Student Negro Youth Congress, a radical activist organization, helped him to understand and identify with the student activists.

Much of Hollowell's work in Albany and elsewhere does not fit easily into existing narratives of the "the movement," which focus heavily on Martin Luther King Jr. and on legal and legislative civil rights victories.[25] However, the narratives of activist black lawyers such as Hollowell and C. B. King provide a crucial understanding of how local lawyers worked in the trenches with student activists to empower and embolden them to fight for social justice. Moreover, these stories highlight how the efforts of such lawyers intersected with national civil rights campaigns to help achieve legal and legislative victories.

While activists gravitated to Hollowell due to his reputation as a civil rights lawyer who would take on "the man," the fact that he made himself available to activists for little or no fee only strengthened their regard for him.[26] The popular chant of student demonstrators—"King is our leader. Hollowell is our lawyer. We shall not be moved."—aptly noted his stature among those engaged in direct action. He became intimately involved in encouraging and supporting direct-action strategies and frequently represented activists in negotiations with segregationist officials. At the same time, he often carried out the legal action that resulted in desegregation in areas such as public accommodations and transportation.[27]

Hollowell's story illuminates the amazingly comprehensive struggle that ended legal segregation in Georgia's public higher education and secondary schools, public accommodations, public transit, housing, health care, juries, and voting booths. Despite U.S. Supreme Court rulings and other higher

court precedents, Hollowell and his colleagues often had to file cases repeatedly, district by district, to effect change as segregationist officials ignored court rulings outside their district or domain.

The book sheds light on Hollowell's meticulous behind-the-scenes work to help bring about social change in Georgia, his collaboration with proponents of direct action, and the intersection of his work with that of Thurgood Marshall and the LDF's campaign for equal justice. While the book reviews events that are historically significant in a traditional sense, it also looks beyond Hollowell's courtroom victories and negotiated agreements, incorporating as well his insights, experiences, and community activism on the local level. The work also elucidates the racial environment in which Hollowell worked, his distinctiveness as a civil rights lawyer, the obstacles he faced, his personality and motivation, and his successful navigation of internal differences within the movement.

The book brings to light events in Georgia history in which public officials trampled the rights of its black citizens, showing how Hollowell ventured into remote areas of the state to represent African Americans. As Charlayne Hunter-Gault observes,

> Don Hollowell, like Martin Luther King . . . transformed the South, and in the process transformed us. You know they made the dream possible. They helped us walk the walk and they gave us values, in a sense, that have remained with us all our lives. They affirmed us as human beings and they made that affirmation in such a way that every person alive had to acknowledge us as human beings. And so in a real sense, while they transformed the South, they left a living legacy, because all of us who were touched by him, Don Hollowell, in one way or another, have continued on a path wrapped in those values, and hopefully spreading those values wherever we are.[28]

In the spirit of Hunter-Gault's powerful testimony, this book not only aims to tell Hollowell's story as a foot soldier for equal justice but also seeks to learn from him in order to carry his legacy forward in the continuing struggle for social justice.

[ CHAPTER ONE

# Preparing for Battle
## Early Influences and Aspirations

In 1917 World War I, the "war to end all wars," was raging across Europe. After three years of neutrality, the United States had entered the fray. In France, American soldiers—including thousands of African Americans—were fighting to defend liberty and democracy.

At the same time, African Americans in the United States were also struggling to defend liberty and democracy. In 1905, a group of activist black leaders created the Niagara Movement to fight for the political and civil rights of African Americans. Called together in Niagara Falls by scholar and activist W. E. B. Du Bois, this movement was composed of blacks whom Du Bois labeled the "talented tenth"—those with sufficient ability and education to assume leadership among African Americans.[1] The platform of this movement called for manhood, suffrage, civil rights, equal opportunity in economic life, the abolishment of Jim Crow, and fair treatment of "colored" soldiers.[2] In 1909, outraged by a riot and lynching in Springfield, Illinois, several members of the Niagara Movement joined forces to create a new organization to fight segregation and other forms of racial oppression: the NAACP.[3]

Blacks hoped that their sacrifices in the battle for liberty abroad would ensure progress toward racial equality in America. An idealistic and perhaps naive Du Bois even urged African

Americans "to put aside their just grievances, close ranks with white citizens, and help win the war."[4] Du Bois echoed the earlier assertions of abolitionist Frederick Douglass that military service would make the right to citizenship undeniable.[5]

Nevertheless, Du Bois's hopes of achieving equal treatment for blacks in the United States as a result of their sacrifices during World War I were not realized. Even as Americans were fighting for freedom in France, the civil rights of African Americans, so dearly purchased on the fields of Antietam and Gettysburg, continued to vanish. The Thirteenth, Fourteenth, and Fifteenth Amendments, which respectively granted them citizenship, guaranteed equal treatment under the law, and gave them the right to vote, were undermined by Jim Crow laws that sanctioned violence, intimidation, and second-class citizenship. Such laws affected every aspect of southern life. For blacks, failure to conform could be dangerous—and often fatal. Between 1882 and 1968, 4,743 persons, the vast majority of whom were black, were hanged, shot, or even burned alive at the hands of lynch mobs, while many others just disappeared.[6]

The fate of Daniel Barber and his family is but one example. On January 14, 1915, Barber, his sixteen-year-old son Jesse, and his two married daughters, Eula and Ella, were lynched in Monticello, Georgia. When Police Chief J. P. Williams attempted to arrest Daniel Barber and his wife, Matilda, on a bootlegging charge, and the Barbers allegedly forcibly resisted arrest, Matilda was shot and killed by Chief Williams. The Barbers then beat Chief Williams. Following the arrest and jailing of Barber and his three children, a mob of more than one hundred angry white men overpowered the jailers, dragged the Barbers from their jail cell to a tree in the center of Monticello's black section, and lynched them one by one. Barber was forced to watch the lynching of his three children before he met the same fate.[7]

By 1917 lynching had become a common spectacle for the purpose of keeping blacks in line. In 1919 the NAACP published a volume titled *Thirty Years of Lynching in the United States, 1889–1918*, which provided a chronological list of lynching victims by state along with the purported reason for each act of violence. Sadly for blacks in the Jim Crow South, there was virtually no legal recourse. Legislatures and city councils were all white, as were the police, prosecutors, judges, juries, and prison officials.

With the help of organizations such as the NAACP, by the time the United States entered World War I, blacks were beginning to take the offensive in response to the Jim Crow social order. This was also the year that Donald

Lee Hollowell entered the world. Born December 19, 1917, in Wichita, Kansas, he was the younger of Harrison and Ocenia Hollowell's two sons and the third of their four children.

Harrison Hollowell had moved to Kansas from the small farm near Senatobia, Mississippi, where his parents eked out an existence.[8] A labor depression in the South, extensive boll weevil damage to the cotton crop, blatant racial injustice in the South, and a labor shortage in the North made life in the North seem appealing.[9] Yet despite Harrison and Ocenia's college educations, job opportunities for blacks were scarce, and Harrison worked as a custodian and porter to support his family. During Hollowell's early life, his family moved between the Kansas cities of Wichita, Augusta, Eureka, and Emporia, usually seeking improved employment opportunities.

Before Donald completed the first grade in 1922, Harrison Hollowell had moved his family to Augusta, where he performed janitorial work for many of the town's businesses. Ocenia, who possessed culinary skills, baked for many of the town's businesses and restaurants. Two years later, the Hollowells returned to Wichita, and the entrepreneurial Harrison opened a taxi service and later a restaurant, where his wife prepared and served meals.[10]

Harrison, determined to continually improve his family's lot, moved his family again a year later, this time to Eureka. After the discovery of oil there, Eureka became a boomtown, and Harrison was set on taking advantage of this boom. He performed various services for wealthy white families, including washing cars and cleaning buildings, and Ocenia worked as a domestic for Ward McGinniss, rumored to be the richest man in the city.

The family moved to Emporia in 1931, and Harrison ventured into the restaurant business again. However, the effects of the Depression led Harrison to seek the security of a full-time job, and four months after moving to Emporia he obtained employment as a guard at the state prison in Lansing. The family experienced yet another upheaval when they relocated to Leavenworth, a few miles from the prison in Lansing.[11] While residing in Leavenworth, the enterprising Harrison operated a recreation hall that included a billiards room. According to Leavenworth's chief of police A. C. Mistler, the billiard room was the source of some trouble to the police department. Mistler recalled several incidents in which individuals were arrested at the establishment for disturbing the peace, excessive drinking, and alleged gambling. He noted, however, that there were no serious difficulties in these encounters.[12]

Despite such reports of morally questionable behavior at the billiard room, in Harrison and Ocenia's family, as in so many African American families,

faith, hard work, and education—but especially education—were central values. Ocenia attended Lincoln Institute (now Lincoln University) in Jefferson City and later Western University in Kansas City. Harrison attended Arkansas Baptist College in Little Rock. Hollowell recalled his parents' deep appreciation for education and the way they pushed their children to excel in school.[13]

Although Hollowell earned relatively good academic grades, his grades for deportment ranged from Cs to Fs because of his defiant behavior. Such behavior occurred at home as well, generally resulting in corporal punishment by his mother. Hollowell recalled receiving a spanking from his mother for failing to perform a chore. Determined to defy his mother, after enduring the spanking Hollowell ran into the yard yelling, "It didn't hurt! It didn't hurt!" His mother ordered his older brother, Harry, to retrieve him, and she disciplined him until he recanted.[14]

On another occasion, Hollowell recalled testing the limits of authority when he was six or seven years old by sneaking off to puff on cigarettes and chew tobacco. Although his parents did not discover these misdeeds, discipline was not necessary in this case as the smoking and chewing tobacco made him painfully ill.[15] Ironically, while his rebellious behavior resulted in punishment and poor grades for deportment in childhood, later in life he was celebrated for his defiance of the Jim Crow system.

Despite Hollowell's challenge to parental authority, he was among an elite group of blacks at this time who had college-educated parents; the legacy of slavery put a college education out of reach for most blacks.[16] Hollowell's parents were the beneficiaries of black institutions founded after the Civil War to educate the newly freed blacks.[17] The advent of black educational institutions helped overcome the prevailing belief that uneducated or poorly educated blacks would remain "in their place" in society. For example, many white southerners opposed education for blacks on the grounds that it raised blacks' aspirations and ruined them as plantation laborers.

Blacks, however, persisted in their determination to develop systems of education that would prepare them for full and equal participation in a democratic society and be compatible with their resistance to racial subordination.[18] The black institutions attended by Harrison and Ocenia provided a good education but also encouraged them to seek full equality and autonomy. Harrison, for example, was considered a "Progressive Negro in that he frequently made remarks about the Negro being treated on an equal basis with the white people."[19] Hollowell and his siblings were inspired

by their parents to seek a first-class education and to resist second-class citizenship.

Perhaps surprisingly, most of the schools that the young Donald Hollowell attended in Kansas were integrated. Unlike the rigidly segregated schools of the Deep South, Kansas schools included both segregated and integrated institutions. Hollowell attended first grade at the all-black Toussaint L'Ouverture Elementary School but enrolled in an integrated school when the family moved to Augusta in 1922. Upon their return to Wichita in 1924, he reentered Toussaint L'Ouverture, but in 1925 when the family moved to Eureka, he attended the integrated Mulberry Elementary School. Despite the relative social inequality, Hollowell was an outstanding student academically and excelled in music and sports. He played the tuba and sousaphone in the school band and was a star on the basketball team.

Black migration was in full force during the years following World War I, and the majority of Hollowell's black peers were also children of families who had left the South during the great migration in search of freedom from day-to-day oppression, better job opportunities, and access to quality schools. For example, to escape the widespread racial oppression in the South, almost half of Georgia's black males ages fifteen to thirty-four left the state during the 1920s.[20] However, although less blatant in Kansas, racism was still a fact of life, and Kansas was far from the promised land. Blacks were restricted from many neighborhoods, denied equal access to professional job opportunities, and barred from many social activities.[21] Such realities were interwoven into Hollowell's early life and education. As he observed, "The system of segregation, you must understand, was a bitter pill for anyone who used it, but the great weight of it fell on persons of color."[22]

Blatant racial oppression was less intense in the Kansas schools that Hollowell attended, and he was not exposed to the rigid segregation and brutal violence of the Jim Crow South. Nevertheless, the reality of inequality was woven into his early life and education. Despite Hollowell's superior academic performance and his star status on the racially integrated basketball team, he nevertheless faced racial prejudice. For example, he was exposed to the Jim Crow social order when he was forbidden to eat with his white teammates after returning to Eureka from a game in Fredonia, Kansas. The team was hungry and went into a restaurant adjacent to the Greenwood Hotel. While his teammates ate together in the dining area, Hollowell was relegated to eating his meal on a wooden chopping block in the kitchen. He recalled: "That was my first experience with segregation. It affected me deeply."[23]

By the time Hollowell was twelve years old, the Great Depression was under way, and within a few years the entire nation was suffering economic hardship. Black families already living in poverty suffered even more and were the most disadvantaged group in American society, due to the combination of economic hardship and racial oppression.[24] The Hollowells were no exception, and the family struggled to make ends meet. Harrison was a rigid taskmaster, and Donald and Harry were forced to help support themselves by doing odd jobs outside the home. Usually by shining shoes, they earned enough money to buy their own clothing.

In 1935, Hollowell's family lived in Leavenworth, and he was preparing to enter his senior year in high school. However, his father asked him to quit school and get a full-time job to help support the family.[25] Frustrated with his father and the economic conditions that forced him to leave school, Hollowell decided instead to join the army. Hollowell resented his father for forcing him to quit school, and his defiance, in part, led to his decision to enlist. On September 6, 1935, he joined an all-black cavalry regiment, commonly referred to as the "buffalo soldiers," which had gained national fame for its exploits on the American frontier in the late 1800s.[26]

During the Civil War, 180,000 black soldiers served in the Union army. Before the end of the war, "taps" had sounded over the bodies of more than 33,000 who sacrificed their lives for their country. The post–Civil War Congress recognized their contributions and specifically "set aside six regiments, the Ninth and Tenth Cavalry and the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first Infantry for black enlisted men."[27] On September 6, 1935, Hollowell enlisted in the Tenth Cavalry at Fort Leavenworth, close to the family's home in Lansing.

Even while serving as a buffalo soldier, however, Hollowell's mind was still very much on education, no doubt influenced by his parents' strong emphasis on education and the fact that they both held college degrees. Determined to finish high school, he earned his diploma by taking correspondence courses through the state of Kansas college extension department while completing his tour of duty. Continuing his zeal for sports from his high school days, he played on the regiment's football team.

On January 25, 1936, Hollowell was joined in the regiment by his older brother, Harry, who enlisted as a private. Harry completed Eureka High School in 1934 and enrolled at Wichita State University beginning in fall 1934 and continuing through spring 1935. Impressed with his younger brother's experiences in the buffalo soldiers regiment and with his steady income,

Harry did not return to Wichita State in fall 1935. Interestingly, Harry quit college about the same time Donald Hollowell was asked to quit high school to seek a full-time job. In an interview with Harry's daughter, Janice Hollowell, she stated that family circumstances during the bleak economic times likely influenced her father's decision to enlist in the army rather than returning to college. Harry served as a troop clerk, recruiting sergeant, squadron sergeant major, and later chief warrant officer.[28]

On September 3, 1938, after three years of service as a buffalo soldier, Hollowell received an honorable discharge from the army and left the Tenth Cavalry to continue his education. Before his discharge, he had advanced to the rank of private first class specialist 5, a ranking that rewarded personnel with higher levels of experience and technical knowledge. An old friend, Frank Holbert, who knew of Hollowell's desire to continue his education and make use of his talent as an athlete, encouraged him to try out for the Lane College football team.[29] Holbert had been invited by Lane's football coach to try out for a football scholarship, and he persuaded Hollowell to do so as well. Hollowell agreed, and his academic and athletic talents earned him admission to Lane and the position of starting quarterback on the football team. At age twenty, a few weeks after his discharge from the army, Hollowell headed south to predominantly black Lane College in Jackson, Tennessee.

Lane College, formerly the CME High School, opened its doors in 1882. Lane was founded through the Methodist Episcopal Church to help provide educational opportunities for the illiterate, newly emancipated slaves.[30] Lane, like other black colleges in the South, was a cultural haven in an otherwise racially hostile environment. In one of the curious unwritten codes of the time, black college campuses stood as protected enclaves against overt hostility. The institutional resources and influx of students, faculty, and staff that buttressed local economies encouraged the tolerance of white communities. Moreover, the predominantly black institutions served the useful purpose of providing an outlet for black students and indirectly helped to maintain all-white institutions under the "separate but equal" doctrine.

In addition to his starting position on the football team, Hollowell displayed outstanding academic achievement, student leadership, and excellence in other sports. He was elected president of his freshman, sophomore, and junior classes; served as editor of the student newspaper; and was a member of the basketball and the track and field teams. Hollowell also helped establish a chapter of one of the leading black fraternities, Kappa Alpha

Psi, on the Lane campus. Hollowell served as the chapter's first polemarch, or chapter leader.

Overall, Hollowell found campus life at Lane a positive experience insulated from the Jim Crow atmosphere outside the college walls. He was overwhelmed, however, by the racial discrimination he experienced when traveling with the football team to black colleges throughout the South. Hollowell recalled that everywhere he traveled he encountered a "white-dominated society" whose primary passion seemed to be the relegation of all African American citizens to an inferior status. Although he had been exposed to racial prejudice in Kansas, it did not compare to the demeaning of black citizens in every imaginable way that he observed in the South.

Overwhelmed with the immediate challenges of academic achievement and a plethora of extracurricular activities, Hollowell did not confront the segregated system. Never having been subjected to such pervasive discrimination, he recollected later that he really did not know what he could do to bring about change. Also, other than his father's insistence on equal treatment for blacks, he had not been exposed to civil rights activism growing up in Kansas. Hollowell was perplexed by how southern blacks seemed to have adjusted to the Jim Crow system and remembered his simmering outrage at their second-class citizenship.[31]

Just as Hollowell was settling into college, shortly after the passage of the Selective Service Act of 1940 and a few months before Japan attacked Pearl Harbor—which led the United States to enter World War II—he was called back to rejoin the army on July 3, 1941, at Fort Oglethorpe, Georgia. He joined thousands of black men and women who were called once again to fight for democracy. But separation of the races was still the custom and tradition, propped up by the *Plessy* doctrine. In several states, especially in the Deep South, state laws forbade any form of racial desegregation. Just as in the Civil War and World War I, blacks served in segregated units in the armed forces. Hollowell recalled the disparate treatment and blatant racism he endured, noting that the army universally treated black soldiers with disdain and contempt.

> Every black soldier in the whole of the army, and who was in the military in World War II, every black soldier would have his story to tell of what it meant to be in that kind of segregated situation.[32]

Reflecting on the racist conditions, Hollowell said:

> You have no idea what impact that situation made upon me during those nine days at Fort Oglethorpe. Here I was, a black man in the United States,

> who had been in the Army for three years, had been in college for three years and was now being called back to serve my country—yes, even to give my life if necessary. Yet I was treated with less dignity, less acceptance, and less common courtesy than even prisoners.[33]

When Hollowell arrived at Fort Oglethorpe, the only African American at the center, he was assigned to an eight-bed tent by himself, away from the white soldiers. The next morning, which was, ironically, Independence Day, he was not allowed to eat in the mess hall but instructed to eat in the kitchen. In perhaps his first civil rights protest, he refused to eat in the kitchen and reported the incident to the sergeant of the guard. Although his complaint did not result in an equitable resolution, the sergeant allowed him to eat in the mess hall but restricted him to eating alone at a rear table. Such indignities also characterized his treatment during the remaining eight days of his stay at Fort Oglethorpe.

On July 12, 1941, Private Hollowell was transferred to Fort Benning Army Training School near Columbus, Georgia. He discovered that Fort Benning was as rigidly segregated as Fort Oglethorpe. Hollowell recalled that black soldiers there were also relegated to eating in the kitchen, sleeping in segregated quarters, and riding buses reserved for blacks when traveling from Fort Benning to Columbus.[34] Nevertheless, by September 1941 he was a corporal, the first stage of his rapid rise to the officer corps.

During a leave from the military drills and accompanying racial conditions, on September 28, Hollowell organized a social mixer at Fort Benning that included women from the Apex News and Hair Company in Atlanta. It was at this mixer that he met Louise Thornton.[35] Louise managed the Apex Beauty College, located on historic Auburn Avenue in downtown Atlanta. The two young people corresponded with each other and visited frequently during Hollowell's tour of duty in Georgia. In an interview with Louise Hollowell, she recounted, "We found we had a lot of things in common. He liked drama, he liked music . . . we just liked the same things. He was good in English, and I was good in English, so you see that all the things were right for us to sort of fall in love."[36]

As the romance blossomed, so did Hollowell's military career. On May 12, 1942, he completed officer candidate school at Fort Benning. As a new second lieutenant, he was assigned to the 795th Tank Destroyer Battalion at Fort Custer, Michigan, for further training prior to overseas deployment. A few days before he was to leave for Fort Custer, he asked Louise to be his wife. Louise Hollowell remembered that he asked, "'When are we going to get

married?' I said, 'Married? What are you talking about? I don't know.' And I said that if we're going to get married, it wouldn't be before the fall, so he said, 'What's wrong with now?'"[37] The couple had courted with intensity and great ardor, and when Hollowell realized he was about to be shipped to Fort Custer and ultimately overseas, "he moved fast to cement the relationship."[38]

The two were married just a few days later, on May 19, 1942, and the honeymoon was even faster. Louise recalled that she worked all day at her salon on May 18, and shortly after midnight the couple exchanged vows before Rev. R. R. Reid, one of Hollowell's classmates from Lane College and a recent graduate of Gammon Theological Seminary in Atlanta. At about 3:00 a.m. the couple returned to Louise's beauty salon on Auburn Avenue, and the newlyweds spent their first night together on a cot in a small back room of Louise's salon. In an interview with the author, Louise, now ninety-nine, remembered fondly that she and her new husband did not get much sleep before they were awakened by a few of Hollowell's buddies who would be traveling with him to his new assignment.[39]

Just a few hours after marrying Louise, Hollowell boarded a segregated train from Atlanta to his new tour of duty in an equally segregated United States Army. Hollowell resented the Jim Crow conditions in general, and they were even less acceptable to him in light of his readiness to go into battle for his country. In an interview, he related:

> To be wearing the uniform just as I was after graduating from OCS [Officer Candidate School] and was spending my break en route to my first assignment in Fort Custer, Michigan; to be riding on the Decatur streetcar, which was full and not being able to even get through the crowd to get to the back; to get to the point where I was to get off and have the driver look up and tell you, "What are you doing here? . . . Get back there and get off at the back!" I had on my tropical uniform, and I thought I looked good. I was a new second lieutenant getting ready to go to war and, you know, that doesn't do much for your spirit.[40]

Hollowell was assigned to Fort Hood, Texas, in 1943 for more training. He quickly discovered that racial indignities were also part of the ethos of Fort Hood. Hollowell recalled an incident when he went to see a movie on the post. After he entered the theater and took a seat in the officers' section, a white corporal approached him and asked him to move to the back row of the theater.[41] Hollowell said,

> I remember as an officer in Texas, I was there in school and went to the movie, and I had taken a seat along with all the other officers. And the first thing I know, a corporal, white, came up and asked me, didn't ask me, he said, "You'll have to sit in the back . . ." I said, "I won't go to the back, I will leave, but I won't go to the back." He said, "You can take your choice," so I left.[42]

This kind of humiliating experience was common for blacks in the military during this period, which makes the heroism of black soldiers during World War II even more impressive. Although grappling with war while confronting second-class treatment and numerous indignities within their own ranks clearly affected the spirits of black soldiers, they nonetheless mustered the will to perform feats of bravery on the battlefields. While their contributions have yet to receive the attention they deserve, a few scholars have chronicled the courageous and valiant contributions of black soldiers, including, of course, the unmatched triumphs of the Tuskegee Airmen.[43]

Despite their extensive training, the Negro 795th Tank Destroyer Battalion was dissolved as a unit and saw no action. The headquarters company of this battalion was converted into a port company and dispatched to the European theater. The line companies, including the detachment commanded by Hollowell, reported to Camp Pickett near Petersburg, Virginia, for training in firefighting. In November of the following year, Hollowell shipped out from Boston for France. His unit spent a month assembling equipment, then traveled across France to Dijon to a combat zone on the Moselle River. Although trained primarily as soldiers, the unit was called on to serve as firefighters to protect the field hospitals. Soldiers in his unit desired a more active role in the war effort, but "they swallowed their frustration and settled in for the better part of a relatively quiet year, away from the fighting."[44]

By March 1946, Hollowell had completed his tour of duty. After nearly two years of service overseas, he boarded a ship in Antwerp bound for the United States to begin a new chapter in his life. He was eager to return to his wife, with whom he had communicated regularly through letters during his time in Europe.[45] He was also ready to return to life as a civilian and to finish his college education.

The harsh racial incidents he had endured in the armed services left bitter memories of his military experience that steeled his resolve to fight for

justice. Recalling his second-class treatment in the army and how his faith in God helped him overcome bitterness, he said:

> I grew considerably in the military. . . . I learned how to work with men and to guide them; to administer an office; to be disciplined in conduct and habits. At the same time there were many bitter experiences that were sufficient to cause a man to hate. And I am confident but for the fact that I found Jesus along the way back when I was about 15 and had practiced a relationship with Him, I would have entered civilian society with a heart full of hate . . . but I also knew that hate consumes one and that one has to use that energy constructively in an effort to change those diabolical aspects of life which impinge upon him and others of his race. That's what I chose to do.[46]

By the summer of 1946, Hollowell had resumed the life of a college student. With eight years of military service under his belt, he returned to Lane as a biology major, his mind set on becoming a dentist. But the scars from his career in the segregated military were still fresh, and the burgeoning civil rights movement attracted him. World War II had exposed the persistent contradictions between the American ideal of democracy and the American reality of second-class citizenship for its black citizens. Black veterans resolved to eliminate that contradiction: they would not only fight for democracy abroad but would also pursue democracy at home. They resisted racial oppression and sought to make real the promises of democracy in their homeland.[47]

Hollowell, along with thousands of other black men, had followed W. E. B. Du Bois's call for blacks in World War I to "put aside their just grievances, close ranks with white citizens, and help win the war."[48] Yet he returned home, as had other blacks who fought in the two world wars, to a society steeped in racial bigotry and intolerance. Despite his strong interest in science and dentistry, Hollowell prepared himself to address the "just grievances" of blacks in America and help win the war against racial oppression. He was driven to become a lawyer instead of a dentist and to devote his career—and ultimately his life—to the fight against racial oppression.[49]

[ CHAPTER TWO

# A Legal Education
## Addressing the "Just Grievances" of Negroes in America

As Hollowell and other blacks fought in World War II to help win freedom abroad, blacks were emboldened to fight for racial justice in the United States. The NAACP in tandem with state and local branches orchestrated protests against state-sanctioned Jim Crow practices, targeting mob violence, racial exclusion in education and employment, and the white primary.[1] Local people, tired of racial injustice, also initiated challenges to the social order of their own accord.

Texas resident Lonnie Smith and Georgia resident Primus King were local activists whose protests had a major impact on helping to dismantle white supremacy. Smith, a dentist in Harris County, Texas, and King, a barber and itinerant preacher from Columbus, Georgia, sought to vote in their respective states during the war years. On July 27, 1940, Smith attempted to obtain a ballot in the Texas all-white Democratic primary. The state Democratic Party refused to allow Smith to vote.

With the help of Texas branches of the NAACP and the national office, Smith filed the historic *Smith v. Allwright* case.[2] Texas officials vigorously defended the all-white primary, arguing that the Democratic Party was a private entity entitled to determine its membership and exclude blacks from participating in primary

elections. By 1944, the case reached the U.S. Supreme Court, where LDF attorneys Thurgood Marshall and William Hastie won a unanimous decision on April 3 that nullified the Texas all-white primary system.[3]

Despite U.S. Supreme Court rulings, segregationists outside the district or state in which a case was filed or appealed often refused to comply with court orders. This was true in the *Smith* ruling. Although the court had outlawed the white primary, Georgia officials refused to end the practice. Shortly after the *Smith* decision, on July 4, 1944, Primus King entered the courthouse in Muscogee County, Georgia, seeking to vote in the Democratic primary. Voting officials advised King that because of his race, he was not qualified to be a member of the Democratic Party of the State of Georgia, and they subsequently refused to allow King to vote.[4] Reminiscent of Smith, and aided by the state NAACP, Thurgood Marshall, and the LDF, King challenged the all-white Democratic primary in Columbus, Georgia. He won a 1945 victory in federal court that declared the racial exclusion of blacks from voting in primaries unconstitutional.[5]

Smith's and King's accomplishments exemplified the kinds of individual acts of courage that were on the rise in southern communities and which, with the help of the LDF, resulted in legal victories. Yet it would take many such acts of courage and massive resistance to undermine the segregationist system. Despite the U.S. Supreme Court victory and the Fifteenth Amendment guaranteeing blacks the right to vote, voter registration boards, especially in the Deep South, used poll taxes, literacy tests, and other impediments to deny blacks voting rights, practices that persisted until the passage of the 1965 Voting Rights Act.[6]

Within this broader context, Hollowell returned to Lane College in 1946 and continued his ascendancy as a student leader, which had begun before his World War II service. He continued to succeed academically and remained actively engaged in extracurricular activities. Foreshadowing his robust schedule as a civil rights activist and lawyer, Hollowell not only served as president of his Lane College classes, edited the college newspaper, and excelled in athletic endeavors but also was active in promoting student activities, including the Colored Methodist Episcopal Sunday School group and YMCA work. During his junior year, members of the student body chose him as a delegate to the YMCA convention in Atlanta, and his fraternity elected him to serve as a delegate to the fraternity's national convention in Nashville, Tennessee.

Hollowell was a popular student whose peers regarded him as a leader, repeatedly electing him to leadership positions and choosing him to represent

the student body at various regional and national meetings. He was elected president of the student council, a position that allowed him to represent the student body at the Southern Negro Youth Congress (SNYC) convention. In October 1946, only a few months after his return to Lane, Hollowell traveled to the campus of predominantly black Allen University in Columbia, South Carolina, to attend the national convention of SNYC, an event that was to change his life.[7]

Founded in 1937 and championed by black leaders such as W. E. B. Du Bois, Paul Robeson, Esther V. Cooper Jackson, Adam Clayton Powell, and Benjamin E. Mays, SNYC was the forerunner of the 1960s Student Nonviolent Coordinating Committee, more commonly known as SNCC.[8] While growing up in Kansas, Hollowell was not familiar with civil rights organizations, nor had he been exposed to an assembly of distinguished persons of color. He remembered being especially impressed by the words and songs of Paul Robeson, "the great baritone from Rutgers," whom he met and talked with at the convention[9]:

> He was a big man. A big, dark-brown-skinned, heavy-voiced, beautiful-voiced man who loved what he did. Who was smart—when at Rutgers was an honor roll man. He was smarter than the average man. Therefore, he saw no reason for himself to be subjugated because of his color. . . . When he sang "Climbing Up," it just made your soul feel the need, and your mind to understand that this is a man who believed that you have to work at eliminating those things which stand in your way.[10]

In addition to Robeson's election to Phi Beta Kappa at Rutgers, a remarkable achievement for the times, Robeson was also an all-American football player, a sport in which Hollowell himself had excelled as Lane's quarterback. Ironically, Hollowell had been kicked off the team for missing a Saturday practice to attend the SNYC convention. Despite his reasoned arguments to his coach, he was dismissed from the team and lost his starting quarterback position. Although Hollowell loved football and enjoyed intercollegiate competition, the two-time army veteran and twenty-eight-year-old student had long-term dreams and aspirations that transcended his role as a star athlete.[11]

SNYC encouraged young blacks to take a militant stance against oppression and disenfranchisement—especially the new outbreak of lynching and the notorious poll tax.[12] While the *Smith* and *King* victories did not immediately end blacks' exclusion from voting, the cases invigorated activists

across the South, including SNYC movement leaders, to aggressively pursue black enfranchisement. Hollowell's experiences at the convention would become a catalyst that transformed his path from future scientist to future activist.

The confluence of racial inequities that Hollowell experienced in the military and his exposure to civil rights activism at the convention changed the course of his studies and his life. Hollowell recalled:

> Great emphasis was put on the dire need for persons of color being able to go to colleges and universities and professional schools in the South; another was the matter of voting, the need to have people register and vote and some discussion of what a tremendously difficult task this would be. It was felt that it was going to be young people who would benefit the most by it, and they needed to be prepared and needed to be in such struggle as was necessary to remove those kinds of shackles . . . and those of us who had just come from the military especially felt that something needed to be done.[13]

Ironically, while Hollowell's participation in the conference helped inspire him to become involved in the struggle for social justice for all Americans, his attendance led the Federal Bureau of Investigation to question his patriotism and loyalty to the U.S. government. Segregationists often labeled civil rights activists and organizations as Communist or Communist influenced, and the FBI was complicit in undertaking far-reaching investigations based on allegations of Communist influence among civil rights activists and organizations. Popular fears of Communist espionage during the McCarthy era often led to unfounded accusations and charges against American citizens involved in social activism.

Paul Robeson, for example, was the subject of extensive investigations for his alleged Communist influence; his passport was revoked, and he was subpoenaed to appear before the House Un-American Activities Committee (HUAC). Robeson refused to answer when asked if he was a Communist, insisting that he was being tried not for being a Communist but for fighting for the rights of African Americans, who were still second-class citizens in the United States. Robeson also insisted that HUAC had targeted him because of his long-standing struggle for the "independence of the colonial peoples of Africa."[14] Robeson's outspokenness about the contradictions that characterized America's fight against fascism abroad and oppression of blacks at home fueled questions concerning his patriotism. His international stature, particularly his popularity in Russia, exacerbated the controversy.[15] Undoubtedly

Robeson's support of SNYC and his appearances at its conventions helped provoke the FBI's investigations of SNYC and its members.[16]

FBI director J. Edgar Hoover's obsession with the alleged influence of Communism on civil rights activism is evident in the FBI files on Hollowell. Hollowell had no record of any association with Communists, nor had he expressed any support for Communist ideas. He did not know anyone participating in the SNYC convention prior to attending the convention in 1946. Yet according to FBI files, Hollowell was investigated merely as a result of his participation in the convention as the Lane College student body representative.

A January 5, 1948, memorandum from Hoover to the Chicago FBI office states:

> You are requested to conduct a thorough and discreet investigation to determine the loyalty and patriotism of the above-named individual [Donald Lee Hollowell]. . . . Reference is made to the report of Special Agent Ralph D. House dated November 20, 1946 at Savannah, Georgia, entitled "Southern Negro Youth Congress, Internal Security-C." This report covers the convention of the Southern Negro Youth Congress held in Columbia, South Carolina, October 18 to October 20, 1946. On pages 31 and 34 of the report Donald L. Hollowell, a student at Lane College, Jackson, Tennessee, appears in a list of delegates from Tennessee and also in a list of the Executive Board members, which were adopted by the convention. At a meeting of the Tennessee delegates, Hollowell was elected to serve on the nomination committee for the convention. The Southern Negro Youth Congress was cited as a Communist Front organization by the Special Committee on Un-American Activities on January 3, 1940. On November 24, 1947, the Southern Negro Youth Congress was cited as subversive by the Attorney General.[17]

It is clear from the FBI files that the agency infiltrated the convention, undoubtedly with black informants or agents who submitted a detailed report on Hollowell. The files contained information on Hollowell's activities at the convention as well as data related to his childhood in Kansas, his time in the military, and his college years, along with detailed information on his parents. However, despite the "thorough and discreet investigation" that examined Hollowell and his family from the day he was born, a February 8, 1948, FBI report concluded that "Hollowell appeared to be ignorant of the organization's background, was not apparently known to any of the leaders or known Communist members of the SNYC and manifested no pro-Communist ten-

dencies while at said meeting."[18] In an investigative report filed by FBI agent Paul Pinkerton, neighborhood, employment, credit, and criminal investigations related to Hollowell also revealed "nothing derogatory."[19]

On March 8, 1948, Hoover asked the FBI's Washington field office to review any files of the HUAC that might pertain to Hollowell.[20] However, the FBI review found that he was not considered to be unpatriotic. It is ironic, in light of Hollowell's eight years of military service, which included a tour of duty during World War II, that so much effort was expended investigating him for suspected "un-American" activities. Perhaps the best evidence of Hoover's overreaching in the unwarranted investigation on Hollowell are the FBI reports showing repeatedly that "inquiries failed to indicate any lack of patriotism or loyalty for U.S. Government" on Hollowell's part.[21]

While the FBI's own investigations could find no evidence of a lack of patriotism, a September 29, 1949, report nevertheless left the door open for Hollowell's possible prosecution in the future. Assistant Attorney General Alexander Campbell wrote to Hoover, "On the basis of the evidence now available in the above matter, prosecution is not warranted at this time. Should additional proof be received or should confidential informants become available for the purposes of testifying, the Division will, of course, re-examine the case in the light of such facts."[22]

Unaware of the FBI's "discreet investigation" and questions about his patriotism, Hollowell returned to Lane from the SNYC convention with a new vision and mission. He abandoned his plans to become a dentist, changed his major to social science, and set his sights on law school. Mays, Du Bois, Jackson, Powell, Robeson, and others inspired him to want to do something to end racially oppressive conditions, including the Jim Crow experiences he had encountered as a soldier. The contradictions and ironies of fighting for freedom abroad only to return to a nation that denied freedom and democracy to its own black citizens emboldened Hollowell to prepare himself for social activism. Just as inequities in the armed forces and disproportionate harshness in the treatment of black soldiers raised the ire of black soldiers in World War I, inspiring them to join the fight for social justice upon returning to the United States, the indignities Hollowell had experienced in the army motivated him to join the fight for social justice in his own time.[23]

Beginning his quest to become a civil rights lawyer, Hollowell excelled in his new major while continuing to play an active role in campus life at Lane. He graduated magna cum laude on May 29, 1947. One of Hollowell's professors and fraternity brothers, an alumnus of Loyola University, encouraged him to

apply to Loyola because of the university's good reputation and its receptive environment for black students. Hollowell decided to apply and was accepted. He headed north to Chicago and Loyola's first-rate law school to continue preparing to join the battle for freedom and democracy in America.[24]

Hollowell entered Loyola in September and secured a part-time postal job to support himself and his wife, who had become ill. During a background check of Hollowell for the postal job, he learned that he had been the subject of an inquiry resulting from his association with SNYC. Although he was ultimately cleared for the job, the questioning of his loyalty offended him deeply. Shortly after beginning law school, he started part-time employment at the Canal Street branch of the post office and began to juggle work and study.

Although Hollowell had also worked during the summer of 1947 as an assistant registrar at Lane, he soon depleted his earnings and savings paying medical bills for his wife. Louise lived in Atlanta at this time, and he commuted to see her on holidays and during school breaks. The stress of being a full-time law student and a part-time employee, the long trips between Chicago and Atlanta, and the extended separation from his wife took their toll on Hollowell emotionally and academically. According to FBI files on Hollowell, Loyola Law School assistant dean F. J. Rooney reported that Hollowell was "dropped from the rolls on July 5, 1948, because of failure to maintain the University's required scholastic average."[25] Hollowell accepted a full-time job with Bridgeway Trucking as a billing and assistant rate clerk and later worked as a laborer, loading and unloading freight for the Lipshultz Company in Chicago. Struggling to make ends meet, he also worked part-time as a typist at Montgomery Ward and Company.

Determined to fulfill his dream of becoming a lawyer, Hollowell was readmitted to Loyola in June 1949 and resumed his legal studies in September 1949. By this time, Louise had recovered from her illness, had completed an undergraduate degree in English at Morris Brown College in Atlanta, and was pursuing a master's degree at Atlanta University. To research her master's thesis and spend more time with her husband, she enrolled at the University of Chicago during the summer of 1950. After completing her thesis that summer, she returned to Atlanta to accept a faculty position at Morris Brown.

Four long years after his enrollment at Loyola, with a law degree in hand—a degree that would supply his weapon of choice in the fight for justice—in 1951 Hollowell returned to the South and the wife he dearly loved.[26] It was a bittersweet return. Military service had not delivered the respect and equality for which blacks had hoped. Jim Crow laws still held sway in schools,

transportation, and housing, and the Fifteenth Amendment guaranteeing blacks the right to vote was still ignored. However, after World War II, in a movement spearheaded by the NAACP, blacks were becoming more militant, and the NAACP's LDF accelerated the legal battle for equal justice. Constance Baker Motley, former LDF attorney, has stated, "The momentum which was built up during World War II by black servicemen to do away with segregation led to the NAACP taking a bolder step after World War II than they had prior to World War II."[27]

Abandoning the previous NAACP strategy of seeking to equalize treatment and facilities under the *Plessy* doctrine, Thurgood Marshall, who succeeded Charles Hamilton Houston as NAACP director-counsel, advocated a legal strategy that directly attacked segregation.[28] Under the 1896 U.S. Supreme Court *Plessy* decision, which declared racial separation legal provided that facilities were equal, the NAACP had primarily focused on cases seeking to equalize facilities, rather than taking legal action to eliminate segregation. However, in 1948 the NAACP endorsed Marshall's decision not to undertake or cooperate in any case that recognized the validity of segregation. The NAACP agreed to mount a frontal attack on racial segregation and seek the admission of blacks to white schools.[29] This was a battle that army veteran Hollowell was eager to join.

Shortly after his move to Atlanta in 1952, Hollowell joined the local branch of the NAACP and quickly assumed a leadership role in the organization. While studying for the bar exam, he directed the NAACP's local membership campaign, attracting many new members to the organization as well as invigorating the existing membership. Hollowell passed the bar exam and was admitted to the Georgia Bar on September 17, 1952.

Serving as chairman of the NAACP's Legal Redress Committee, Hollowell became active in defending the rights of the underrepresented. He regularly received requests from NAACP branches and the Georgia NAACP field secretary to investigate civil rights complaints and litigate as needed. The 1956 Amos Smith case, referred to Hollowell by Georgia NAACP field secretary C. E. Price, illustrates the kind of routine complaints that Hollowell investigated on behalf of the NAACP. In a letter asking for Hollowell's help, Price summarized Amos Smith's case:

> The Amos Smith case was brought to my attention first during a visit with the local branch in Tifton, Georgia on March 25, but efforts to get in touch with parties involved and get more detailed facts failed. . . .

> In an interview with Amos Smith at the Veterans Administration Hospital, Ward 17A, Dublin, Georgia, the following information was received: . . .
>
> About two years ago, Amos Smith borrowed $200.00 from Jesse Whaley, loan company operator. He had, by paying small sums weekly, reduced the amount to $150.00. About a week before the shooting, Smith had made a payment of $5.00. In the course of events, Whaley had expressed discontentment over the way Smith was handling the indebtedness.
>
> On the night of November 19, 1956 about 8 p.m., Whaley entered Smith's home in a hostile mood and demanded in rigorous language that Smith make full payment at once. In the course of the exchange of words in which Smith indicated his inability to pay, Whaley produced a "slap jack" and proceeded to "whale hell" out of Smith. Smith then started beating his assaulter with his fist, knocking him out of doors. While on top of Whaley and giving a beating, Smith was shot by Whaley with a .38, the bullet entered his upper chest, hit his spine and lodged between his neck and shoulder. The wound inflicted paralyzed the victim and had made him permanently disabled. . . .
>
> No action has been taken by any court in Tifton. It is mainly because of this inaction by law enforcement agencies in Tifton County that Amos Smith has called on the NAACP for assistance.[30]

Hollowell traveled across the state investigating such civil rights complaints, and records from his office files indicate that he and his law partners engaged in hundreds of court actions asserting equal rights in response to such complaints.[31]

Georgia's leading civil rights lawyer at the time, Austin Thomas Walden, had counseled Hollowell on life as a black lawyer in Atlanta and the South and encouraged him to return to Atlanta to practice law. Hollowell credited Walden with helping shape his thinking on constructive solutions to the problems faced by people of color.[32] Walden, who had earned a law degree from the University of Michigan in 1911, was one of only a handful of black lawyers in Georgia at the time. He followed the path of earlier black lawyers, such as Aaron Alpeoria Bradley, who migrated to the Southeast after the Civil War to fight for justice for the newly freed former slaves. Bradley, who came from Massachusetts, was one of the first black lawyers in Georgia. He arrived in Savannah in 1865 and promptly began advocating for the rights of blacks, calling for reparations for blacks as compensation for years of enslavement. Despite the efforts of men like Walden and Bradley, however, by 1940 there were only seven black lawyers in Georgia—three in Atlanta, two

in Savannah, and one each in Macon and Augusta. Several blacks from leading law schools in the nation were failed by Georgia bar examiners. Walden blamed racism in the law and tradition for the dearth of black lawyers.[33]

Walden championed civil rights law in Georgia for several decades and won many historic legal cases. Most notably, in 1945 he was cocounsel with Thurgood Marshall in the triumphant bid that gave blacks in Georgia the right to vote in the Democratic primary.[34] Despite Walden's stellar track record as a civil rights lawyer, however, NAACP officials thought it was time to replace him with new and more vigorous leadership.

William Madison Boyd, president of the NAACP Georgia State Conference of Branches, expressed concern about Walden's work on civil rights cases as early as 1949. In a letter to Thurgood Marshall, Boyd urged Marshall not to allow Walden to let an important civil rights case "drag unnecessarily."[35] Hollowell's legal acumen and zeal to fight segregation and discrimination led Boyd to court Hollowell to become Georgia's chief civil rights lawyer. The young, handsome, energetic, and audacious attorney, who was willing to devote so much of his time and energy to civil rights, was welcomed by NAACP leaders as Walden's successor.

Only a year after passing the bar, Hollowell opened his own law office at 859½ Hunter Street (now Martin Luther King Boulevard) in Atlanta and set out to fight Jim Crow in earnest.[36] Jesse Hill, Georgia's NAACP stalwart and chief actuary of the Atlanta Life Insurance Company, remembered Hollowell's distinction as a civil rights lawyer in those early days: "When Hollowell came to town, he just pushed his practice aside . . . and really dedicated himself to the civil rights struggle. He took on some bizarre cases over the state where the civil rights of blacks were flagrantly violated. He worked sixteen-hour days on these cases. And he was the person that gave us great comfort. We felt that with his dedication and his commitment, we could take on all of the battles."[37]

The principal early legal victory that propelled Hollowell to prominence as a civil rights lawyer was the *Nash* case, which occurred the year before the 1955 murder of Emmett Till in Money, Mississippi. This was a period in the Deep South in which blacks were being lynched by white mobs for the mere allegation of an offense toward a white woman.[38] Many Americans were outraged by the savage murder and the outcome of the trial, which acquitted Till's murderers. In widely publicized reports, black media outlets such as *Jet* and *Ebony* magazines as well as other national and international news outlets registered shock and dismay at the atrocity and its legal outcome. Many

scholars note that the murder of Till and its aftermath helped galvanize the modern-day civil rights movement.[39]

Although lynching in the South reached its height in the late nineteenth century, it remained pervasive throughout the first half of the twentieth century. The NAACP and allied antilynching activists launched a vigorous campaign against the crime in the early 1900s, which culminated in their successful lobbying of the U.S. House of Representatives to pass the Dyer Anti-Lynching Bill in 1921. Despite the partial victory, due to a southern-coalition filibuster the U.S. Senate undermined the legislation, and Congress subsequently refused to declare lynching a federal capital crime. States such as Georgia continued their refusal to take action to deter extralegal violence or punish the perpetrators.

More than any other form of racial injustice, lynching symbolized black oppression. Blacks lived with the knowledge that despite measured progress in race relations and court victories abolishing various forms of racial injustice, lynching persisted as a part of southern culture. For all practical purposes, it was a state-sanctioned institution, and offenders often murdered victims with impunity. Although in some cases the purported reason for lynching was criminal behavior by blacks, lynching was also used to create a "climate of terror" to intimidate blacks into accepting white supremacy, to neutralize or eliminate black competitors for economic or political gains, and to silence black activists. While the majority of lynch victims were accused of serious crimes such as murder or rape, a significant number of blacks were killed for trivial infringements of the social order, as evidenced by the Till murder.[40] Moreover, gains in equal rights for blacks, such as the striking down of the white primary, often riled whites and provoked mob action.

According to data from the Tuskegee University archives, 498 racially motivated murders of black men and women occurred in Georgia between 1882 and 1968. Georgia was second only to Mississippi, where 539 blacks were lynched during the same time period.[41] Less than ten years before Hollowell defended Nash and thirty years after the Barber family lynching, mob action showed the culture of racial violence that prevailed in Georgia.

On July 25, 1946, George Dorsey, Dorothy Dorsey Malcom, Mae Murray Dorsey, and Roger Malcom—two black men ages twenty-four and twenty-eight, and two black women ages twenty and twenty-three—were lynched in Walton County, Georgia. A mob of white men riddled the bodies of the two couples with bullets and left them lying in the dirt near the

Moore's Ford Bridge.[42] Commonly referred to as the Moore's Ford lynching, it was the last mass lynching in America. On July 26, 1946, the *Atlanta Daily World* headline read "Nation's Worst Lynching." Similarly, an NBC national radio news announcer reported, "One hundred forty million Americans were disgraced late yesterday, humiliated in their own eyes and in the eyes of the world by one of the most vicious lynchings to stain our national record in a long time."[43] Consistent with the legacy of impunity for lynch mobs, despite years of evidence collection by the FBI, the Georgia Bureau of Investigation, and civil rights organizations, no indictments ever occurred and "no charges were ever brought against any of the twenty men rumored to have participated in the lynching."[44]

The *Nash* case took place in Atlanta, Georgia, in 1954, eight years after the Moore's Ford lynching and less than fifty miles from the Moore's Ford Bridge. The urban center of Georgia had also been the site of racial violence in the early 1900s. The most flagrant examples were the Atlanta riots that occurred in 1906. Racial tension in the city was heightened by black advances in business, education, and voting rights, and by competition between blacks and whites for jobs. Members of Atlanta's black elite such as Alonzo Herndon, a highly successful businessman and founder of the Atlanta Life Insurance Company, resisted white domination and sought to advance blacks beyond their traditional roles as manual workers in white establishments. In 1905, John Hope, incoming president of Atlanta Baptist College (now Morehouse College), observed, "The fact that we are, as people, laborers and not capitalists, makes us . . . under obligation to the capitalists, who in our case, are white."[45]

Hope, Herndon, and other progressive blacks in the city, including W. E. B. Du Bois, advocated for the social, economic, and political empowerment of blacks. Many whites regarded black autonomy and advancement as threats to the notion of white superiority. Race baiting by Clark Howell and Hoke Smith, Georgia's two leading candidates for governor, also inflamed white attitudes toward blacks. Speaking at a January 1906 Democratic rally, Howell decreed, "This is a white man's country, and it must be governed by white men!" Speaking at the same rally, Smith outlined his platform, which included "an education qualification" to keep blacks out of the voting booth along with a grandfather clause to preserve the voting rights of illiterate whites.[46] During the summer of 1906, Smith told a white audience, "We will control the Negro peacefully if we can, but with guns if we must."[47]

In September 1906, unsubstantiated *Atlanta Constitution* and *Atlanta Journal* reports of alleged assaults by blacks on white women worsened the

tensions, and riots erupted. As vocalized by Hoke Smith during the summer, whites sought to control blacks in Atlanta with their guns. On September 22, 1906, a white mob attacked blacks in downtown Atlanta, murdering at least twenty and seriously injuring hundreds more.[48] Although the reported assaults by black men sparked the riots, the deeper cause of the riots was a visceral reaction to black progress on the part of the white population, fueled by race-baiting politicians.[49] Atlanta was also the site of the 1936 lynching of Thomas Finch for alleged rape, while in the same year in neighboring Cobb County, a mob lynched Henry Brown for insulting a white woman.[50]

Notwithstanding the Moore's Ford murders, lynching had declined sharply by the 1950s. However, racial injustice continued, with ongoing police brutality against black suspects and executions of blacks resulting from unjust convictions in southern courtrooms. By the time Hollowell defended Nash in the 1950s, Atlanta had billed itself as the city "too busy to hate," with a progressive black middle class, a cadre of black institutions of higher learning, and a variety of black-owned radio and print media outlets. Nevertheless, it remained a thoroughly segregated city.[51] Whitney Young Jr., director of the National Urban League in the 1960s and former dean of the Atlanta University School of Social Work, noted that although Atlanta bragged about how enlightened it was in comparison to Mississippi, "nothing was really integrated, not even the library or the buses, but the people were beginning to believe their own press clippings—even the Negroes."[52]

Civil rights leader Julian Bond, who moved to Atlanta in 1957, described the segregated conditions:

> Even though Atlanta was a modern segregated city and the burden of segregation didn't fall as heavily on black people in Atlanta as it did, say, in rural Mississippi, nonetheless, the Atlanta I found in 1957 was a complete apartheid society. There were some chinks in that apartheid armor. The Atlanta University Center, where I was a student at Morehouse, had white teachers teaching black people, probably against the law in Georgia, and there were the occasional white exchange students at Spelman, Morris Brown, Clark, Morehouse, or Atlanta University . . . but in all public places—restaurants, lunch counters, movie theaters, every place in life—there was a rigid divide enforced by law between black and white.[53]

It was against this cultural backdrop—where Jim Crow ruled, with previous acts of racial violence etched in the collective memory of black Atlantans, and a year before the Till murder—that Hollowell defended Willie Nash

in a capital case that included indictments for raping a white woman and murdering her lover.[54] There were no crimes in America for which blacks would have been more severely punished than the rape of a white woman and the murder of a white man. Any crimes or alleged crimes by blacks against whites during this time would have resulted in dire consequences—legal or illegal—for blacks, as seen in the Till murder.

Nevertheless, Hollowell not only represented Nash in this case in 1954 but succeeded in convincing a white judge and an all-white jury of Nash's innocence. Heretofore in Georgia, blacks had been lynched for far less serious accusations than rape or murder. Moreover, proper trial procedure and judicial fairness were nonexistent in most trials involving blacks, especially those charged with committing serious offenses against whites. "Even if the accused escaped the lynch mob, white juries and judges frequently invoked the death penalty."[55] Any chance of Hollowell successfully defending Nash was unforeseen and unexpected.

Interestingly, Hollowell was not Nash's first choice for counsel. Nash's family first hired a white attorney who refused to defend Nash after discovering that Nash and his family could not pay his fee. In desperation—Nash had been jailed for several weeks and the case was scheduled for trial in a few days—Nash's family contacted the LDF, which referred the case to Hollowell. With meager support for expenses from the LDF and only a small contribution from Nash's family, Hollowell took the case for the "grand sum of fifteen dollars."

Despite Hollowell's willingness to take the case for a fee so paltry that he would undoubtedly have to use his personal funds to help defend Nash, Nash still preferred a white lawyer, and Hollowell had to plead with the frightened Nash to accept his family's choice of counsel. It was commonplace during this era for blacks to hold "black lawyers to a higher standard than white lawyers"; the white lawyers' competence before the bench was presumed, but black lawyers' legal capabilities and skills were questioned.[56] This attitude was due in part to the Jim Crow laws that prevented blacks from being exposed to black lawyers and other black professionals; it was also a result of the prevailing belief in black inferiority that was a legacy of slavery. As described by Kenneth Mack in *Representing the Race: The Creation of the Civil Rights Lawyer*, a black man in Nash's predicament, most of all, would have wanted to be represented by a white lawyer because of the reality of American jurisprudence for an African American charged with a serious crime in an all-white judicial environment. "In a trial where no

African American could expect to participate as a judge or juror, hiring a lawyer of his own race would have seemed tantamount to suicide."[57]

Whatever Nash's reasons for doubting Hollowell, he broke down in tears after resigning himself to the inevitability of Hollowell's representation. Although Hollowell had confidence in his own skills, he was acutely aware of Nash's predicament as a black man facing the death penalty for murdering a white man and raping a white woman in the Deep South. Not only had no black lawyer successfully defended a black man in such a case; no black lawyer had ever represented a black client for the murder of a white man and the rape of a white woman in Georgia, and probably in the entire country. Hollowell recounted, "I suspect I would have cried, too, if I had been Willie Nash under those circumstances."[58] The following narrative details the incident and Hollowell's successful defense of Nash.

On November 4, 1953, Marvin Luther Lindsey, a twenty-four-year-old shoe repairman, accompanied by Betty Jo Bishop, a twenty-three-year-old widow, parked his vehicle in a wooded section off Jonesboro Road near South River in Atlanta, in an area known as "Lover's Lane." According to Bishop's report to Atlanta detectives, as the two engaged in conversation, Bishop alleged that a "dark-skinned Negro" man suddenly appeared out of the night and struck her in the face with his fist, then bludgeoned Lindsey with an iron pipe. Not knowing how to start the car, Bishop set out on foot to find help for Lindsey, who was bleeding profusely. According to her initial story to detectives, twenty minutes later she stumbled upon the alleged attacker again and begged him to help her to start the car.[59] However, Bishop later contended that Nash raped and robbed her after he returned to the scene of the alleged assault.[60]

Detectives reported inconsistencies in Bishop's story, stating that she first told them that the alleged attacker had helped her start the car but later stated that she had managed to start it on her own. Following the alleged rape and robbery, Bishop said, she drove the car approximately three miles to Lindsey's residence. John Lindsey, brother of Marvin Lindsey, reported to detectives that Bishop rushed into the apartment and said, "I know you think I did it—but a Negro man did it."[61] When detectives arrived on the scene after a call from John Lindsey, they found the blood-soaked, partially clad body of Marvin Lindsey on the floor of the car.

Citing conflicting statements in her story and with no evidence that a rape or robbery had occurred, police initially held Bishop as a material witness in the slaying of her boyfriend. However, police released Bishop on

November 7, 1953. Attorney W. W. Melvin said that Bishop apparently was more seriously injured than it first appeared and that her incoherent story resulted from severe emotional strain and the half-pint of whiskey that she and Lindsey had consumed before the incident.

The same day Bishop was released, police arrested Willie Nash, a thirty-nine-year-old black millworker and fisherman, as a suspect at his home on Brown Mills Road in Atlanta. Police declared confidently that they had arrested the "right man," and the *Atlanta Constitution* reported that the arrest was the culmination of intensive efforts by uniformed policemen, the robbery squad, and the detective homicide squad, who had worked virtually around the clock since the slaying.[62]

In the police lineup that followed, Bishop identified Nash only by the sound of his voice and became hysterical after she heard him speak. In addition to Bishop's identification of Nash, detective Lieutenant L. T. Bullard reported that Nash had confessed to killing Lindsey in self-defense after Lindsey lunged at him but had vehemently denied raping or robbing Bishop.

In addition to Nash's confession, police discovered evidence that placed him at the crime scene several months earlier. A white fisherman alleged that he had accidentally shot Nash near the scene of the crime and identified Nash as a frequent fisherman in the area.[63] However, the white fisherman acknowledged that he had failed to report the shooting. Police quoted Nash as saying that he was fishing one night near Jonesboro Road when a group of white people holding a drinking party nearby started shooting, and one of the bullets struck him in the shoulder. Nash was later taken to Grady Hospital in Atlanta, where a .22-caliber bullet was surgically removed. Police records indicated that law enforcement officers questioned Nash at Grady in relation to the shooting but did not reveal further investigation of the shooting.[64] In the 1950s racial climate, it is not surprising that police did not investigate the shooting of a black man, especially when the alleged shooter was white.

Nash reportedly told detectives that he was going fishing the night of the incident when he passed a car and saw a couple in a compromising position. According to the detectives' report, Nash said the man leapt up and shouted at him, then struck him with an iron pipe. Detectives quoted Nash as saying he grabbed the pipe and struck the man across the head several times before fleeing the scene.[65] Police also said that they returned to the scene with Nash, and he showed them where he had flung the murder weapon—a two-foot-long iron plumbing pipe.

In a lightning-fast response to Nash's apprehension and confession, the Fulton County grand jury returned three bills of indictment three days after his arrest, formally charging him with the murder of Lindsey and the rape and robbery of Bishop.[66] The quick grand jury hearings not only led to Nash's indictments for these crimes but would also almost certainly result in the death penalty if Nash were convicted of the charges.

Although the NAACP's legal strategy focused primarily on segregation in schools, colleges, and other public facilities, the organization also assisted local lawyers in protecting the civil rights of clients. In its own rapid response, the Atlanta chapter of the NAACP announced in a public statement that it would contribute to Nash's defense to investigate possible civil rights violations in his arrest. The press release further announced that "Attorney D. L. Hollowell" would represent Nash for the NAACP. Since Hollowell had directed the Atlanta NAACP membership campaign and served as chairman of the Legal Redress Committee, NAACP officials preferred him as their lead counsel, replacing the court-appointed George McMullen.[67] The NAACP also provided LDF attorney Arthur Combs to assist Hollowell at the trial.

The NAACP's selection of Hollowell as the lead attorney in a capital case less than two years after he had passed the bar exam reveals how quickly he had risen to the forefront as a civil rights lawyer in Georgia. Hollowell had an excellent legal education from a top-tier law school and displayed strong legal skills with a fervent commitment to social justice. Honed by his athleticism and military training, Hollowell had a large frame, erect posture, and imposing presence. Combined with his meticulous mastery of the English language, he had a command of the courtroom.[68]

At the same time, it must be noted that Hollowell had minimal competition for the position of Georgia's chief civil rights lawyer. Besides Walden, Georgia had only a handful of black lawyers and even fewer who delved into civil rights. White lawyers at this time seldom litigated civil rights cases in the South, concerned that the stigma of civil rights advocacy would alienate white clients and doom their legal practice. Hollowell observed that in the mid-1950s there were only three or four lawyers in Atlanta who would take on a civil rights case and only one black attorney, C. B. King in Albany, who practiced law south of Atlanta.[69]

On January 13, 1954, the *Nash* trial opened with Judge Virlyn B. Moore presiding and assistant solicitors Carl Copeland and Frank French presenting the state's case against Nash. Although the grand jury had returned true

bills against Nash on charges of murder, rape, and robbery, the solicitors decided to try Nash first on the murder charge.

In addition to Bishop's testimony, the solicitors called Julius T. Harris, a forty-year-old black grocery-store clerk, who placed Nash near the murder scene on the night in question. Harris testified that Nash had tried to enter his car on the same night and he had frightened him off by flashing his shotgun. On cross-examination, Hollowell questioned Harris about how he was able to positively identify Nash on a cloudy night. Harris responded, "The moonlight was shining directly on his face when I glimpsed him."[70]

Despite Bishop's claims and Harris's corroborating testimony, in an ironic turn of events, the case came to an abrupt halt after cosolicitor French, steeped in the racism of the day, used a vile racial slur to describe Harris—his own witness. French, unable to recall Harris's name, made a reference to him as "that fat nigger."[71] An animated Hollowell leapt to his feet, contending that the use of the phrase was grounds for a mistrial and asserting that a "Negro is as entitled to respect as any other person."[72]

Noting Hollowell's outrage and realizing that the racist blunder threatened their case, solicitor Copeland asked the judge to reprimand French and allow the trial to continue. French, for his part, admitted that he had used an "improper phrase." However, Judge Moore agreed with Hollowell's plea for a mistrial, declaring, "The law is zealous of not injecting the race question, especially when a man is on trial for his life."[73]

Judge Moore's fair-mindedness was an anomaly with regard to the treatment of black attorneys and black clients in the Georgia courts. For example, in the early 1930s, in the case of Angelo Herndon, a black activist imprisoned for his Communist-sponsored efforts to organize and galvanize the poor and unemployed to bring about economic justice, prosecutors used racial slurs in reference to Herndon.[74] Judge Lee B. Wyatt, presiding judge in the *Herndon* case, exacerbated the condescending treatment of Herndon: Whenever Herndon's black attorney, Benjamin Jefferson Davis, spoke, Wyatt turned his back and read newspapers. He also allowed prosecutors to refer to Herndon and Davis as "niggers" and "darkeys" in open court.[75] Howard Moore, Hollowell's law partner in the 1960s, recalled similar experiences: "[I appeared before judges] who'd as soon call me 'nigger' as look at me. One time in court, a prosecutor picked up a chair to hit me. When I called the judge's attention to it, he damn near put *me* in contempt."[76] In the *Nash* case, confronted by a prosecutor who displayed racial hostility in the courtroom, Hollowell at least had the benefit of Judge Moore, who forbade such behavior.

The second *Nash* trial on the murder charge opened two months later on March 22, 1954. Hollowell and Combs continued to defend Nash. Before Fulton County Superior Court judge Jesse Woods and another all-white jury, Hollowell and Combs identified several inconsistencies in Bishop's sworn statements that she had witnessed the murder of Lindsey and was criminally assaulted by Nash.

During Hollowell's methodical dissection of Bishop's testimony, he elicited contradictory testimony that raised serious doubts about her truthfulness. Hollowell pointed out that she had earlier testified that in the darkness she could not see the assailant who attacked Lindsey, yet she contended that Nash returned to the scene several minutes later and assaulted her and that he was the same man who had bludgeoned her companion. Hollowell also questioned Bishop about her testimony that she had observed Nash leaving the scene as she looked through the rear window of the car, reminding her that she had testified shortly before that she lay on the front seat of the car, with an unconscious Lindsey slumped over her, for several minutes after the attack. Hollowell's most dramatic questioning related to his challenge of Bishop's medical examination at Grady Hospital. In graphic detail, he contested the contention that a rape ever occurred. Blacks and whites in the audience stared in amazement at the sight of a black man disputing the veracity of a white woman and "discussing the intimate features of her anatomy."[77]

Despite Bishop's eyewitness account and the prosecutors' strong contentions of Nash's guilt, Hollowell had Nash take the stand in his own defense. Nash contended that he was at home at the time of the November 4 incidents, and that police had intimidated him into signing a confession by repeatedly harassing him and ultimately threatening his life. Following Nash's testimony and protracted legal arguments with prosecutors, Hollowell succeeded in barring Nash's confession as evidence—a major victory. In an extended duel with prosecutors, Hollowell also identified several conflicting statements from police officials regarding how many officers were present during Nash's questioning and who actually witnessed his confession.[78]

Two of Nash's children also testified under oath that their father was home on the night of the murder. Additionally, Nash's white employer at the Piedmont Cotton Mills attested to Nash's good character and said that Nash not only continued to come to work after the murder but did not appear nervous or under any type of stress. Hollowell even offered into evidence a *Grier's Almanac* and a certified copy of a weather report for the night of November 4 and the morning of November 5. He asked the court to note that there was

no moon visible over Atlanta on the night of November 4. To further challenge Bishop's credibility, Hollowell introduced into evidence the original police report showing that Bishop herself had been arrested in connection with the murder.

Dismissing the evidence presented by Hollowell and Combs, including the inconsistencies in Bishop's testimony, Copeland and French not only insisted on Nash's guilt but also asked the all-white jury to return the death penalty.[79] Nevertheless, despite the racial tenor of the time, the racial slur introduced during the previous legal proceedings, and the all-white jury, Hollowell and Combs prevailed. On March 26, 1954, the jury returned a verdict of not guilty.[80]

Hollowell's relative inexperience and the fact that this was his first criminal defense case as well as his first capital case magnify his accomplishment and its place in history. After the trial, on March 31, 1954, Hollowell petitioned for Nash's release on the grounds that he had been acquitted for the crime of murder and the solicitor had not petitioned the court for a "*nolle prosequi* of the remaining indictments [rape and robbery] upon the said defendant."[81] Two days later, Judge Woods granted the petition, and Nash was released from jail. The court later ordered the rape and robbery indictments "be placed upon the dead docket," which in effect legally cleared Nash of all charges.[82]

The black-owned *Atlanta Daily World* trumpeted Hollowell's achievement as black Atlantans celebrated the phenomenal victory.[83] Civil rights attorney Howard Moore, who became a partner of Hollowell's in the 1960s and later successfully defended black activist Angela Davis in her famous trial, contended that Hollowell's victory in the *Nash* case established him as one of the preeminent civil rights attorneys in the nation.[84] However, because the case did not receive national coverage and the white media gave it little attention, Hollowell's preeminence was recognized primarily among civil rights attorneys and within the Atlanta community.

During the time of the *Nash* case, a few civil rights lawyers, primarily NAACP LDF lawyers, were busy challenging other forms of injustice and making final preparations for the NAACP's most important case since its inception in 1909. In May 1954, less than two months after the *Nash* verdict, NAACP lawyers successfully argued before the U.S. Supreme Court in the historic *Brown v. Board of Education* case that the "separate but equal" doctrine established by the 1896 *Plessy* decision was inherently unequal and unconstitutional. This was a landmark legal victory for the NAACP and all black Americans that ended more than fifty years of the *Plessy* doctrine.[85]

Nonetheless, the outcome of this progress was a further hardening of resistance to civil rights for blacks. In 1956, Marvin Griffin, Georgia's new governor, vowed that Georgia would uphold its centuries-old practice of rigid racial segregation. Griffin espoused the "interposition resolution" adopted by Georgia's 1956 General Assembly. Rebelling against the *Brown* decision, the resolution declared the Supreme Court rulings to abolish segregation null and void.[86]

Richard Russell, Georgia's senior U.S. senator and a diehard segregationist, also opposed any semblance of racial equality. Russell penned the final version of the "Southern Manifesto," a document signed by 101 southern senators and members of the House of Representatives opposed to racial equality. The manifesto represented a line in the sand drawn by southern politicians, who asserted that the *Brown* decision was "destroying the amicable relations between the white and Negro races that [had] been created through ninety years of patient effort by the good people of both races. It [had] planted hatred and suspicion where there [had] been heretofore friendship and understanding."[87]

Hollowell recalled that white political leaders were vehement in their opposition to any form of racial equality and "made you feel they would be ready to die before they would let it come to pass in this state."[88] Georgia's political leaders ensured that their state would become a decisive battleground in the fight for equal justice by sparing no expense and mincing no words in their efforts to sustain the cherished, centuries-old segregationist system. Hollowell, with his auspicious start as a civil rights attorney, would play a pivotal role in legally dismantling that system.

[ CHAPTER THREE

# The Road to Freedom
## Challenging Segregation as Georgia's Chief Civil Rights Lawyer

Saluting civil rights lawyers in 1965 for their vital contributions to the cause of social justice, Martin Luther King Jr. proclaimed, "You should be aware, as indeed I am, that the *road to freedom* is now a highway, because lawyers throughout the land, yesterday and today, have helped clear the obstructions, have helped eliminate road blocks, by their selfless, courageous espousal of difficult and unpopular causes."[1]

Hollowell was the embodiment of a lawyer who espoused difficult and unpopular causes. His victory in the *Nash* case saved Willie Nash from a possible death sentence and secured his freedom. At the same time, he helped establish a legal foundation for civil rights lawyers to successfully represent black defendants charged with serious crimes against whites. Hollowell's victory bolstered his rising stature as Georgia's chief civil rights lawyer. The NAACP LDF began to call on him as their new lead counsel in Georgia, even as the state's political leaders fought bitterly to maintain the status quo.

The heightened militancy of civil rights activists in the 1950s and 1960s presented new challenges and generated new legal cases for Hollowell. In addition to his criminal defense of clients such as Nash, he argued cases across a broad legal spectrum

whose aim was to end segregation and defend the rights guaranteed to all citizens by the United States Constitution. This chapter recounts Hollowell's efforts in two historic 1950s cases to end segregation in higher education in Georgia, and his successful defense of the NAACP in a 1956 lawsuit brought by the state, allegedly for the purpose of reviewing the NAACP membership records for tax purposes. Hollowell's groundbreaking victory in a 1960 case that led to a federal injunction against segregated public facilities at the Atlanta airport is also discussed.

In the first legal case in Georgia to dismantle the centuries-old system of segregation in higher education, Hollowell battled Georgia's popular segregationist governor, the president and the board of regents of the state's flagship university, and the dean of the law school in a federal lawsuit against UGA. The lawsuit emanated from Horace T. Ward's application for admission to the University of Georgia School of Law in Athens.

The University of Georgia was the United States' first land grant college and Georgia's most prestigious institution. Founded in 1785, the university had grown with the state and prided itself on academic excellence. During the late 1800s and 1900s, it became the path to economic and political success for generations of white Georgians. Admission to UGA was an initiation into a network of friends, alliances, and opportunities that often led to the pinnacle of power in Georgia. By 1950, fifteen UGA alumni had been elected governor, and nine had been elected to represent Georgia in the U.S. Senate.[2] Many Georgia alumni also held prominent positions in the General Assembly, in the judiciary, and on the University System of Georgia Board of Regents.

When Ward applied for admission, UGA alumnus Richard B. Russell Jr. was serving as one of Georgia's U.S. senators and alumnus Herman Talmadge was governor. Longtime governor Eugene Talmadge, Herman's father, was also a UGA graduate. Both Talmadges and Russell publicly proclaimed their support of white supremacy and defiantly opposed equal rights for African Americans. Herman Talmadge would become directly involved in blocking Ward's admission to the UGA law school.[3]

Despite its enlightenment in many other areas, UGA sustained the centuries-old racial customs and mores, buttressed by state laws that prohibited blacks from admission to the university. Not surprisingly, faculty and professional positions were also off-limits for blacks. Although the university employed blacks in areas such as building and food services, they were not permitted to hold skilled positions such as carpenters or electricians. As Bennie Till-

man, longtime Athens resident and retired UGA food service worker, aptly put it, "Black employees were limited to working in the kitchen and in the yards."[4]

Similarly, blacks were allowed to attend football games only if they sat in the "crow's nest," a separate section of the stadium reserved for blacks. Athens civil rights activist Alfred Killian recalled, "The crow's nest was in the south stand at the very eastern end where the railroad tracks crossed. They would rope off one section and you had to sit in that one little section, else you didn't sit anywhere."[5] Killian observed that he was an avid Georgia football fan and admired the athleticism of players such as Charlie Trippi and Johnny Griffith. At the same time, he remembered, "It was a bad feeling that I could not even apply to the university when I finished high school here."[6]

As a whole, Athens, Georgia, was a thoroughly segregated city, not unlike most other cities in the Deep South. Segregation was the norm in most activities from cradle to grave, codified in Jim Crow laws and regulations. Chester Davenport Jr., who grew up in Athens in the 1940s and 1950s, remembered that there were two of everything in Athens, one for whites and one for blacks—segregated schools and recreational facilities, an inferior "colored" ward at the public hospital, and separate cemeteries for burial of blacks and whites.[7] It was in the context of the deeply segregated environment of both the university and the city of Athens that Ward would seek admission to the UGA law school in 1950.

In 1946, Ward, who was valedictorian of his senior class at East Depot High School in LaGrange, Georgia, joined other talented and ambitious black men seeking to further their education and entered prestigious Morehouse College in Atlanta, a favorite choice for aspiring black leaders. The tradition of the "Morehouse Man" inspired Ward and his classmates to assume leadership roles in their community in order to uplift their race. Professors such as legendary Morehouse president Benjamin E. Mays and Harvard-trained political scientist Robert Brisbane, one of Ward's principal advisors, imparted to their students not only knowledge but also a sense of social responsibility in the context of the burgeoning civil rights movement.[8]

William Madison Boyd, who chaired the political science department at Atlanta University and served as president of the NAACP Georgia State Conference of Branches, also had a profound influence on Ward's development. Boyd, an adviser to NAACP stalwart Thurgood Marshall, was actively seeking a student to challenge racial separation in Georgia's system of higher edu-

cation. Ward's interest in attending law school and his courageous decision to apply to the UGA School of Law fit ideally into the NAACP's plan to legally attack segregation in Georgia schools.

By the time Ward submitted his application in September 1950, the NAACP had successfully mounted challenges to segregation in higher education in Maryland, Missouri, Oklahoma, and Texas. In 1936, in the first major case in the NAACP's campaign for educational equality, Charles Hamilton Houston and Thurgood Marshall prevailed in a lawsuit in Baltimore City Court that won the admission of Donald Murray to the University of Maryland law school. Presiding judge Eugene O'Dunne ruled that since the state did not have a separate law school for blacks, it had to admit Murray to the only state law school in Maryland.[9] It was a sweet victory for Marshall, who had been rejected for admission on racial grounds by the Maryland law school four years earlier.

In 1938, Houston and Sidney Redmond, a Missouri lawyer, won a victory on behalf of Lloyd Gaines, who sought to enter the all-white University of Missouri. Refusing Gaines admission, university officials offered him financial assistance to attend a school outside Missouri, a common practice in several states during that period to preserve white institutions within their borders. Gaines declined the out-of-state tuition grant and with the help of the NAACP sued the University of Missouri for admission.

When the case reached the U.S. Supreme Court, the court declared that states could not free themselves of the obligation to provide equal education by sending black students out of state.[10] The ruling struck down the out-of-state grant as an acceptable means for states to fulfill their obligation to black residents seeking higher education. However, the victory was dampened when Gaines vanished. Despite NAACP officials' attempts to find Gaines, his disappearance has remained a mystery. LDF counsel Constance Baker Motley observed that the NAACP investigated Gaines's disappearance and sought to locate him for several years, but to no avail.[11]

On June 5, 1950, a few months before Ward submitted his application, the U.S. Supreme Court handed the NAACP two precedent-setting victories in higher education. In the case of *Sweatt v. Painter*, the court unanimously held that the substandard black law school that Texas had hastily set up in the basement of a building for black applicant Heman Sweatt was in no way equal to the law school at the University of Texas. In addition to finding the so-called black law school unequal, the court for the first time "ordered the admission of a black student to an all-white educational institution."[12]

Marshall and the LDF had also won the admission of graduate student George McLaurin to the University of Oklahoma in the lower courts. However, Oklahoma officials restricted him to an anteroom outside the main classroom and forced him to use other facilities on a segregated basis.[13] On the same day as the *Sweatt* decision, in the *McLaurin v. Oklahoma* case, the court ruled that once Oklahoma officials admitted McLaurin to its graduate school, they could not segregate him within the school. In response to the court's decisions, an ecstatic Thurgood Marshall observed that segregation no longer had the stamp of legality. A few weeks later Marshall convened lawyers and NAACP officials in New York to plan for the implementation of the legal decisions and mount an "all-out attack on segregation."[14]

Ward had been introduced to the cases in Texas and Oklahoma in a constitutional law class taught by Boyd, his adviser and Atlanta University professor. The cases gave Ward great encouragement, and in light of the court decisions in Texas and Oklahoma he thought that the University of Georgia might admit him without court action.[15] However, despite the legal precedents and Ward's outstanding academic record, with a bachelor's degree from Morehouse in 1949 and a master's degree from Atlanta University in 1950, UGA rejected his application in 1950. J. Alton Hosch, dean of UGA's law school, contended that Ward did not seem qualified to pursue the study of law, nor did he show the type of mind to successfully practice law.[16] Moreover, not only were Ward's personal qualifications judged inadequate but so too was the quality of his degrees. Although applicants to the UGA School of Law at the time were required to have completed only two years of college work, and Ward had earned two degrees with honors, the school flatly rejected his application because his degrees were granted by African American institutions.[17]

In addition to stating that Ward was not qualified, the regents and university officials obstructed his application with a barrage of procedural requirements. The protracted admissions process included everything from offering Ward a tuition waiver to attend an out-of-state school to adopting a new procedure that required a special committee to interview, in theory, "all" applicants. The offer to pay Ward a stipend to keep the university all white reflected the arrogance and hardened resistance of university officials, since the U.S. Supreme Court had ruled this practice unconstitutional as far back as 1938 in *Gaines v. Canada*.[18]

Even more deviously, on July 19, 1952, the regents adopted a recommendation from the law school faculty requiring prospective students to pass entrance examinations and submit "certificates of good moral character" from

law school alumni as an admissions requirement.[19] As early as February 1952, the LDF concluded in a legal department report that the proposed resolution was "undoubtedly an attempt to further delay action on Ward's application and to perfect a means for eliminating Ward as a qualified applicant."[20] On June 23, 1952, one month before the regents adopted the new entrance requirements, Ward, frustrated with an almost two-year admissions process and convinced that the university would not voluntarily admit him, decided to sue in the United States District Court, Northern District of Georgia. The suit fit within the framework of Marshall's plan to directly attack segregation. Emboldened by the *Sweatt*, *McLaurin*, and *Sipuel* decisions, the case was filed by A. T. Walden, Thurgood Marshall, and Robert Carter of the NAACP. Walden was Ward's attorney, and he and Boyd had been successful in convincing the NAACP to assist with the case. Ward's suit contended that regents and university officials had rejected his application because of his race, while at the same time the university had admitted white applicants with equal or lesser qualifications.

Reflecting on these events many years later, Ward recalled:

> By June of 1951, it became clear that I would not get admitted. I had refused out-of-state aid, and the registrar had told me that my application had been considered and was hereby denied, so I went to Dr. Boyd and Dr. Boyd brought Attorney Walden into the case. Thereafter I had two advisors, Boyd and Walden—and Walden consulted with me and I consulted with him, really, in most of the letters I wrote thereafter. In the spring of 1952 after the rules had been changed, we decided, at least I decided on the advice of counsel, that we would no longer seek to satisfy the new requirements but would file a lawsuit.[21]

Shortly after the NAACP attorneys filed the suit, Boyd, the passionate Georgia NAACP leader who had initially championed Ward's case and raised the funds for the litigation, retained Hollowell to join the case. Boyd created a "Ward Fund of the NAACP" for the purpose of raising funds to cover legal expenses and travel from New York for Thurgood Marshall. The forward-thinking Boyd even raised funds for "covering Ward's expenses at the University of Georgia once the law school case [was] won."[22] In a January 1953 fundraising letter to potential donors, Boyd wrote:

> I beg you to join my list of contributors to the Horace Ward Fund. This contribution is apart from any other donation made to the NAACP, and will be

> used exclusively for the University of Georgia Law School Case. By God's grace and with your help we shall vigorously fight this case through to ultimate victory.[23]

Although the redoubtable A. T. Walden had been Ward's chief local lawyer, Boyd, who was impressed by Hollowell's energy and vigor in pursuit of civil rights, insisted that Hollowell become the new chief counsel. Given that Walden had encouraged Hollowell to move to Atlanta and helped him establish his practice, Hollowell was understandably reluctant to offend his friend, colleague, and mentor. Therefore, he privately and wisely urged Boyd to allow Walden to remain on the case.

Walden, Thurgood Marshall, and other LDF lawyers made a formidable team under Hollowell's leadership. Such a strong team effort was necessary, for they faced serious opposition from a group of state political leaders ensnared in racial intolerance and xenophobia. Led by Governor Herman Talmadge, the state vowed to defend its segregated system, and state officials employed a variety of tactics to stall Ward's application, including assembling a package of laws that would close schools if Ward or other black students were admitted. Talmadge deputized his personal attorney, B. D. Murphy, and issued a pointed order: "Keep that damned nigger out of the University of Georgia while I'm governor."[24] In a 1995 interview, former governor Talmadge contended that any other action would have been politically untenable: "You see, we had had several hundred years of segregation. And it was mores and customs, not only with the people, but it was written in the constitution and laws. Any political figure that dared to defy that wouldn't have carried a county in the state! Any southern leader that would have had different views from mine would have been run out of office—the same day!"[25]

By the summer of 1953, Hollowell, Walden, and the LDF lawyers from New York had overcome most of the legal maneuvers, stonewalling, and procedural delays, and the case was scheduled for trial on October 9, 1953. But then one of the amazing ironies of the civil rights movement occurred. Exactly thirty days before Ward's case was scheduled to go to court, he was drafted into the army. For the state this timing could not have been more providential, though many civil rights leaders and others doubted that the timing of Ward's induction was truly coincidental. Hollowell himself questioned the convenient timing, observing: "You can be sure we wondered if it was a purely coincidental thing; our better judgment told us it was not.

After all, draft boards had lots of power. . . . I think we don't have to be terribly sophisticated to come to the conclusion that it just may not have been purely coincidental."[26]

In later years, Governor Talmadge's evasion of questions about his role in the drafting of Ward fueled speculation that state officials were involved. Syndicated columnist Bill Shipp observed: "That question has been put pointedly to Senator Talmadge, and he has not denied that he had some hand in it and was not disappointed that this huge coincidence occurred—that this man was suddenly snatched into the armed services just as he was about to gain admission into the University of Georgia."[27]

Apprehensive that the state would dismiss the case after Ward's call to duty, Marshall made a quick trip to Atlanta to file a motion with federal judge Frank A. Hooper to continue the case after Ward completed military service. With Hollowell and Walden, Marshall convinced the judge to reassign the case for trial upon request by Ward.[28]

Ward's personal quest for equal rights was postponed while he went to fight for the rights of Koreans during his two-year tour of duty. By the time Ward was honorably discharged in the summer of 1955, Hollowell had won the *Nash* case, and although he had practiced law for only three years, he had already solidified his position as Georgia's chief civil rights attorney. Now that Ward had returned, Hollowell was ready to revive the *Ward* case against the University of Georgia School of Law and the Georgia Board of Regents.

With Hollowell as chief counsel and with assistance from Walden and the LDF lawyers, Ward renewed his lawsuit on August 25, 1955. After a three-year attempt to enter UGA's law school and two years of honorable military service, Ward, who was fervent in his desire to earn a law degree and uncertain about the timing or outcome of his lawsuit, also submitted an application to Northwestern University's law school. Although UGA officials had judged him an "unqualified" applicant who did not "possess the mind to study law," he was readily admitted to prestigious Northwestern University and entered its law school in September 1956.

While Ward pursued his legal studies at Northwestern, his case dragged on and on. Hollowell encountered new and often devious stalling tactics by the state that delayed the case until December 1956. After nine different hearings since Ward had returned from the army, the case was finally heard by Judge Frank A. Hooper on December 17–20, 1956, and January 3, 1957.[29] Thurgood Marshall, busy with a panoply of civil rights cases that had arisen in response to the 1954 *Brown* decision, assigned Constance Baker Motley

to represent the LDF at the trial. Motley, a Columbia University law school graduate, had clerked for Marshall and had worked on the historic *Sweatt v. Painter* case that resulted in a unanimous U.S. Supreme Court decision to admit Heman Sweatt as the first black student at the University of Texas at Austin.[30]

During the hearing, Hollowell, Walden, and Motley contended that Ward had been rejected by the UGA School of Law solely on the basis of race, while university officials had admitted substantially less qualified white students. The attorneys showed how officials from the state, the university, and the Board of Regents had conspired to deprive Ward of access to a legal education. A key piece of evidence presented by Hollowell's team was the Appropriations Bill of 1951, which was passed shortly after Ward submitted his application. The bill required the state to withhold funds in the event a black student entered an all-white college.[31]

Hollowell also elicited testimony from state officials that showed their intent to uphold segregation. For example, in a riveting exchange under examination by Hollowell, Harmon W. Caldwell, former dean of the UGA School of Law and chancellor of the university system, revealed how the system made scholarships available to send black students out of state for educational opportunities not available in the state's historically black institutions. As a confident spokesman for the "separate but equal" doctrine, he asserted that because Ward had been offered aid to attend an out-of-state school in lieu of admission to the law school, Ward had not been deprived of the opportunity to secure a legal education. Defending the racially segregated system, Caldwell declared, "We do wish in our institution, and so far as possible, to preserve segregation of the races."[32]

Under further examination by Hollowell, Caldwell stated that although the regents encouraged blacks to go out of state (to maintain the all-white university), they did not actually *send* them out of state. Hollowell later contended that Caldwell was an accommodationist to the system of segregation and would have faced repercussions if he had not supported that system. Nonetheless, he questioned Caldwell's veracity and argued that he should adhere to a higher standard given that he was a lawyer, former dean of a law school, and chancellor of the university system. "There were some that I put greater responsibility upon than others. And yet I also recognized that if they had done other than what they did it could have been detrimental. At the same time, I say they had a responsibility to be truthful, and I don't think that some of them were really truthful."[33]

Constance Baker Motley put it more bluntly, noting:

> The system is based on people getting on the stand and telling the truth. But people who talk about their respect for tradition and integrity and the Constitution get involved in one lie after another. They're willing to break down the system to keep a Negro out. . . . They do the same kind of thing in voting cases. People are denied the right to vote not because they're Negroes but because they didn't dot an "i" or interpret the Constitution correctly. This is one of the most serious by-products of segregation. The people get a disregard for the law. They see supposedly important people get up day after day on the stand and lie.[34]

In another line of questioning during the trial, Hollowell challenged the unprecedented admissions requirements that the university adopted shortly after Ward's application: the personal interview, the series of entrance examinations, and certificates of "good moral character" from UGA alumni. Although the personal interview requirement was adopted after his application to the law school, Ward in fact had agreed to an interview set up by university president O. C. Aderhold and conducted by law school dean J. Alton Hosch, noted historian E. M. Coulter, and law professor Robert McWhorter. Hosch testified that Ward's statements during the interview were "evasive, inconsistent, and didn't show the type of mind that [he] thought, and the committee thought an applicant should have to successfully pursue the study of law."[35] He concluded that Ward was not the type of man the committee should recommend to the president of the university for admission.[36] Caldwell conceded that the regents adopted the new admissions requirement shortly after Ward refused the out-of-state aid offer and insisted that the regents consider his application, but flatly denied that the resolution was designed to block Ward's admission.

Hollowell also cross-examined Regent Charles Bloch, a constitutional lawyer and vehement segregationist, on his testimony extolling the virtues of the new policies adopted while Ward's application was pending. Bloch claimed that the new admissions policies were strictly for the purpose of "getting better students at the University of Georgia, and hoping that would affect all other law schools in the state, and for what [he] thought was for the betterment of the administration of justice in Georgia."[37] He testified that he knew Ward's application was pending but insisted that it was not a factor in the new law school admissions policies. Hollowell then pointedly asked Bloch, "And the fact that that was passed, and was to have an immediate ef-

fect, did not in any way to you seem inequitable to a man whose application had been pending for fifteen months?" Despite the obviously adverse impact of the new policies on Ward's application, Bloch responded that there was nothing inequitable about the regents' action.[38]

After almost a week of motions and countermotions from both sets of attorneys, questioning the motives and truthfulness of university officials as well as Ward himself, Ward dropped a bombshell in the courtroom when he revealed that he was living in Chicago and attending Northwestern University School of Law. The revelation all but demolished the defendants' charges that Ward was merely a stooge of the NAACP who was not genuinely interested in obtaining a legal education but had filed his case just to challenge segregation at the University of Georgia. Moreover, the fact that he had been accepted to Northwestern attested to his qualifications for admission to a first-tier law school. However, the dramatic revelation of his admission to Northwestern, which should have bolstered Ward's case, was turned against him by the court.

Despite closing arguments by Hollowell and Motley urging the court to find that Ward had been refused admission based on his race, Judge Hooper ruled that Ward's admission to Northwestern University was grounds for dismissal of his case. While Hollowell disagreed with the ruling, he conceded that the court should have been informed in advance that Ward had been admitted to Northwestern. He acknowledged that "proper discretion" had not been used in failing to reveal Ward's enrollment in Northwestern.[39] Motley had previously argued the landmark *Lucy v. Adams* case before the Supreme Court on behalf of plaintiff Autherine Lucy; the court in this case declared that although the University of Alabama did not have a written policy prohibiting the admission of blacks, the university enforced a tacit policy of denying black applicants admission based solely on race. The court restrained the University of Alabama from refusing black applicants based solely on race.[40]

Motley asked the court for an injunction patterned after the *Lucy* injunction to prevent the university from blocking Ward's admission. Despite objections by Hollowell and his team, however, the judge ruled that Ward's enrollment at Northwestern University compromised his application to UGA as a first-year law student, and he dismissed the case without adjudicating the merits of Ward's claim of racial discrimination. Ward recalled the absurdity of the ruling: "Judge Hooper's ruling was basically on technical grounds. He never ruled whether I was qualified or not. He just ruled that I had not complied with the procedures and I had not fully satisfied the administra-

tive appeals procedures. And, secondly, I had already gone to another law school. I think that case probably would have been a good case for appeal that might be overturned. I'm pretty sure it would have been."[41]

Indeed, Hollowell regarded the ruling as an excellent case for an appeal. However, he concluded that after seeking to enter the law school for seven years, Ward, already in his late twenties, should move on. Hollowell emphasized that much of the money William Madison Boyd had raised had been spent, and sadly, the momentum of the case had received a serious blow when Boyd had died of leukemia earlier in the year at the age of only thirty-nine. Hollowell concluded: "We thought it better if he [Ward] go on. Since they had made a change in the administrative procedure for appeals, we were convinced that they would keep dancing us around some more. We didn't know what else they had up their sleeve or what other legal tricks they would employ. We thought it best to let Ward go on. He had certainly paid his dues, and more."[42]

Despite the court's decision, Hollowell's work on the *Ward* case had set the stage for what was to come. Hollowell, who had already displayed criminal defense skills in superior court, had now demonstrated his legal acumen as the chief lawyer in a major civil rights case in federal court. Vernon E. Jordan Jr., who would later work with Hollowell on the historic Holmes and Hunter case that desegregated the University of Georgia in 1961, summed up the significance of Ward's case: "The importance of the *Ward* case was that it challenged the doctrine of separate but equal; it was a legal challenge, and it was a stepping-stone to what happened in the Hamilton Holmes–Charlayne Hunter case."[43]

Although Judge Hooper dismissed the *Ward* case on technical grounds, it was clear that time was running out for Georgia's segregated school system. Accordingly, Georgia officials, desperate to maintain the state's segregated way of life, began efforts to curtail NAACP lawsuits against racial injustice, a move replicated in several southern states.[44] In 1956 the state filed a suit against the Atlanta branch of the NAACP to force the organization to reveal its membership records to the state revenue commissioner, supposedly for tax purposes. NAACP leaders had refused to release the records, contending that state officials sought the records for the purpose of intimidating and harassing NAACP members. Hollowell observed that the true reason behind the state's demand for the NAACP's records was to rouse white hostility against the organization and its cause. In a December 8, 1956, report on the case to the NAACP Georgia Conference of Branches, he noted:

> On the debit side has been the step-up of activities on the part of certain state officials, and others who think like them, to inflame the minds of white people to an extent calculated to provoke violence against the NAACP, specifically, and our people generally. Yes, even now as I read this report, the very life of our organization in this state is being attacked. For you know and I know that there is more to the pending court case than what some people in high places would have us believe.[45]

The attack on the venerable civil rights organization, which was highly respected not only in the black community but also among many whites, galvanized virtually all of Atlanta's black attorneys to join Hollowell and Walden to defend the NAACP. While few other black lawyers dedicated their practices to civil rights, their solidarity in this case signaled that they were imbued with the spirit of activism and willing to join in the battle. In addition to Hollowell and Walden, attorneys E. E. Moore Jr., S. S. Robinson, Romae L. Turner, and NAACP general counsel Robert L. Carter Jr. joined in the case. Moore, Robinson, and Turner practiced general law in Atlanta and occasionally joined in civil rights cases.[46] Turner later became the first black person to preside over a state court in Georgia. Robert L. Carter, a primary associate of Thurgood Marshall, later served as NAACP general counsel and in 1972 was appointed by President Richard Nixon to the United States District Court of New York.

In the NAACP case, the state demanded that the NAACP and J. H. Calhoun, president of the Atlanta branch of the association, comply with the request from the Revenue Commissioner of Georgia to turn over its membership records for inspection related to income taxes. Judge Durwood T. Pye, probably the most diehard segregationist with the Fulton County Superior Court, presided over the trial. Immediately, Hollowell and Walden filed a motion requesting that Pye recuse himself from the case due to racial bias. Pye responded angrily that he considered it a serious affront to be accused of bias against "nigras." Nevertheless, Pye's further response showed his racial bias. "The court," he noted, referring to himself in the third person, "could not look at itself in the mirror when it shaves in the morning, if it were to consider itself prejudiced." However, he went on, "The court also does not believe in the mongrelization of the races."[47]

In retaliation for their motion, Pye issued a "show cause" order against Hollowell and Walden, requiring them to prove why they should not be held in contempt for impugning his judicial rectitude.[48] Although Pye did not

hold Hollowell and Walden in contempt, he refused to recuse himself from the case. To no one's surprise, Pye ruled against the NAACP and held Calhoun and the NAACP in contempt for refusing to divulge its membership records as required by court order.[49] On December 14, 1956, Pye fined the NAACP $25,000 for noncompliance with the court order to turn over its records.[50]

The NAACP was rightly concerned about possible harassment of its members if the membership records were handed over, as it was commonplace during this period for blacks to find themselves in dire straits for engaging in civil rights advocacy. For example, in 1959, civil rights advocate and Martin Luther King Jr. associate Joseph E. Lowery found himself in trouble for his activism. In a bizarre case, Lowery, three other ministers, and the *New York Times* were sued for libel by Montgomery, Alabama, officials because their names had appeared in a *New York Times* ad to raise money for a King defense fund. L. B. Sullivan, a City of Montgomery elected official, alleged that he had been libeled by statements in the ad. A jury in the Circuit Court of Montgomery County awarded Sullivan a $500,000 judgment, and the Supreme Court of Alabama affirmed the lower court decision. Although Lowery and his codefendants ultimately prevailed in the case, officials seized Lowery's property, and the case dragged on for years before the U.S. Supreme Court settled it in 1964.[51] In a major victory confirming freedom of the press, the court ruled that "judgments for libel [could not] constitutionally be sustained."[52]

In the 1956 NAACP case, disclosing the membership records could have placed many blacks in jeopardy of harassment, losing their jobs, or even facing trumped-up lawsuits. Determined to protect the records from unscrupulous officials and to avoid the $25,000 fine, Hollowell and his comrades filed a series of motions to the court. As the case dragged on, Pye, frustrated with the prolonged proceedings, issued a subsequent contempt order on October 2, 1959, ordering payment of the fine. Hollowell filed a subsequent motion on February 11, 1960, objecting to the fine on the grounds that it was excessive, cruel, and unusual, therefore violating Article VIII of the United States Constitution as well as the Fourteenth Amendment. Hollowell further contended in the motion that the NAACP operated on a limited budget and payment of such a fine would be "onerous, harsh, and oppressive" and would seriously undermine the organization's ability to pursue its objectives—which, of course, was precisely the purpose of the state's lawsuit.[53]

Hollowell consulted regularly with Carter on legal strategy, and in a letter dated April 21, 1960, Carter validated Hollowell's contention about

the NAACP's limited budget. Noting that funds were limited, Carter stated bluntly, "We are not going to be able to put up $25,000."[54] Undoubtedly, the local Atlanta branch could hardly afford to pay the fine either. Unmoved by Hollowell's contention that the fine was unjust and exorbitant, Pye issued yet another order on March 3, 1960, again insisting on payment of the fine. Although the volleys continued for several months, the NAACP never paid the fine, nor did it surrender its membership records. Hollowell and the NAACP persevered and ultimately appealed the case to the Supreme Court of Georgia, which ruled in their favor.[55] Hollowell, who had succeeded in Georgia's lower courts, was now triumphant in Georgia's highest court as the government's campaign of harassment failed to yield a real victory.

The NAACP case was a powerful example of what was beginning to happen throughout the South, as assaults on blacks and civil rights organizations galvanized blacks to unite to defend their rights and demand equal justice under the law. Black lawyers in particular joined the battle, working hand in hand with the NAACP in the fight for racial justice. In addition to Hollowell and Walden in Georgia, passionate community activists such as Fred Gray in Alabama, Wiley Branton in Arkansas, Harold Boulware in South Carolina, Amos T. Hall in Oklahoma, Oliver Hill in Virginia, and Z. Alexander Looby in Tennessee continued to carry out Charles Hamilton Houston's plan to dislodge the Jim Crow system.[56]

Segregationists fortified their resistance to change by passing obstructionist laws and reviving symbols of hatred and oppression. On February 13, 1956, Georgia's General Assembly approved making the battle flag of the Confederacy a part of the state flag. Speaking on behalf of the flag bill, Denmark Groover, Governor Marvin Griffin's racially polarizing floor leader, said, "The move should leave no doubt in anyone's mind that Georgia will not forget the teachings of Lee and Stonewall Jackson. . . . This will show that we in Georgia intend to uphold what we stood for, will stand for, and will fight for."[57]

Despite the hardened resistance, one month later, with help from Atlanta NAACP branch president John Calhoun and attorney E. E. Moore, five ambitious students from Atlanta—Barbara Hunt, Iris Welch, Russell Roberts, Marian McDaniel, and Myra Holland—started down the same rocky road traveled by Horace Ward when they applied to Atlanta's all-white Georgia State College of Business (GSCB) in Atlanta. Reminiscent of the officials who blocked Ward's entrance to UGA, GSCB and regents officials resorted to a variety of recognizable obstructionist tactics. The same requirements for per-

sonal character references from white alumni that had been crafted to block Ward were used as a primary obstacle to prevent the students from gaining admission to GSCB. With the help of Atlanta NAACP leader Jesse Hill, the students made ceaseless attempts to secure certificates of moral character from alumni, but despite their efforts, GSCB alumni flatly refused to provide certificates, and GSCB officials rejected their applications.

Hollowell's compelling legal groundwork proving the discriminatory nature of admissions requirements in the *Ward* case had provided him with valuable legal experience even though the case was ultimately unsuccessful. Once again he joined the legal team of A. T. Walden and Constance Baker Motley to renew the legal assault on Georgia's Jim Crow system of higher education. Attorney E. E. Moore, who initially assisted the students in their efforts to gain admission, also served as counsel in the case.

After two years of recycled stalling tactics that dated back to the *Ward* complaint, Judge Boyd Sloan presided over the case on December 8–12, 1958, in the United States District Court for the Northern District of Georgia. Again state officials resorted to underhanded tactics. In addition to their argument that the black applicants had not submitted character certificates from white alumni, state officials also sought to besmirch the applicants' moral character. Two of the applicants, Holland and Hunt, had each conceived a child out of wedlock; therefore, according to GSCB and regents officials, the women lacked the moral rectitude for admission.

Civil rights opponents during this period lashed out in many ways against students seeking to enter white institutions of higher education. In the *Ward* case, officials had asserted that Ward lacked both the personal qualifications to enter the law school and the "mind" to study law and that he was a mere stooge for the NAACP. Officials often alleged that applicants were Communist-inspired, "outside agitators" intent on destroying the southern way of life, or that they were "sexual fiends."[58] In the GSCB case, in addition to claiming that the black women were pawns of the NAACP, officials also characterized them as sexually deviant because their children were born out of wedlock.

While black women seeking to break the color line in white institutions were described as prostitutes or sexual fiends, black men seeking entrance to white institutions were also labeled as sexually immoral.[59] For example, in the *Holmes v. Danner* case, admissions officials accused Hamilton Holmes of frequenting a "house of ill repute." According to a confidential informant who spied on Holmes for university officials, "reportedly this house

[had] white girls as well as colored for the proper price."[60] Since the courts had banned the use of race as a reason to reject black applicants, officials searched for anything in an applicant's background that could be used to discredit a black student seeking admission to a white institution.

Despite the state's efforts to discredit the plaintiffs on moral grounds, Moore, Hollowell, Walden, and Motley flatly insisted that state officials denied admission to the applicants because of their race while at the same time, *with public funds*, afforded whites an opportunity to attend the institution. They also argued that admissions policies requiring black students to obtain alumni certificates were unreasonable because, due to the social separation of blacks and whites and the fact that no black student had previously attended the school, the plaintiffs were not acquainted with any of the all-white alumni.[61]

Surprisingly, unlike Judge Hooper in the *Ward* case, Sloan did not evade one of the central issues raised by Hollowell in that case: that Ward had been rejected solely due to his race. In an interview, Constance Baker Motley suggested that an important reason for this difference was Sloan's political orientation: "Nobody seemed to know his [Sloan's] background. Nobody seemed to know that he was, I guess, what they call a liberal. And he ruled with us—and he enjoined enforcement of the policy. He enjoined the requirement for required alumni certificates, and all the other silly things that they brought forward, so their application could then be considered on its merits."[62]

Judge Sloan noted, "The effect of the alumni certificate requirement upon Negroes has been, is, and will be to prevent Negroes from meeting this admission requirement," and ruled that the alumni certification requirement was unconstitutional.[63] This unexpected and welcome victory fell short, however, as Sloan failed to order GSCB to admit any of the applicants, leaving college officials to determine whether the applicants met all valid admissions requirements. Even more unsettling, he also ruled that two of them were of questionable moral character and were therefore not qualified for admission. Consequently, the plaintiffs left the case "with a lingering sense of shame and indignity because of the defense's cruel attack on their moral character."[64] Equally disappointing, they were unable to enter GSCB to fulfill their dreams of attaining a college degree from the state university in their home city. Predictably, GSCB found that none of the applicants met all valid requirements, and none of them was ever admitted to the college.

Hollowell had now played a pivotal role in two federal lawsuits to desegregate higher education in Georgia. While the GSCB case brought a partial victory, Hollowell would resume the battle to admit black students to the all-white University System of Georgia a few years later. In light of the state's history of putting plaintiffs' private lives under a microscope, Hollowell would collaborate with Atlanta's black civil rights leaders in future cases to select plaintiffs who could withstand the scrutiny of an FBI-style investigation. Meanwhile, there were plenty of other battles to fight, for example, for access to public facilities. Although blacks could patronize some stores, restaurants, and theaters, it was always with a degrading twist: backdoor entrances, separate seating areas, separate restrooms and water fountains, and generally disrespectful, second-class service. Hollowell himself was no stranger to such indignities. He recalled a typical example during an outing with his wife in Atlanta:

> We went to the Fox Theatre in Atlanta. I noticed we went past the place where the tickets were sold there in front, and we wound up on the backside where there must have been 150 steps literally; and I told her then that, but for you, I wouldn't even go in and I said I would never come back here.[65]

In a dangerous incident in 1954, Hollowell, his wife, and three companions were traveling through southwestern Georgia on a return trip to Atlanta after attending a Morris Brown and Florida A&M college football game in Tallahassee. Hollowell stopped his car at a Standard Oil station in the small town of Butler to buy gas and use the restroom. As Hollowell started toward the "whites only" restroom, the owner ordered him to stop and refused to let him use the facilities. In the meantime, Hollowell's companions had entered the station to purchase soft drinks. "Hollowell curtly replied" to the owner that "he did not spend his money where he could not use the bathroom" and told his companions to put the soft drinks they planned to purchase on the counter and return to the car.

As the station owner pulled a .38 caliber pistol from beneath the counter, Hollowell stormed outside and removed the nozzle from the gas tank before the attendant could finish filling the tank. While Louise and their guests, understandably, began to display anxiety and fear, Hollowell strode back into the station and asked how much he owed. The nervous owner, still wielding the pistol, gave him a figure, and Hollowell paid for the gas, left the store, and quickly drove away. Louise, who had grown up in South Georgia and knew well the dangers of blacks challenging the social order, asked Hollowell if he

had been afraid when he reentered the store to pay the gun-wielding owner. Hollowell responded "no," but added that he "walked real fast" to return to the car after paying for the gas.[66]

Louise passionately supported Hollowell's advocacy but feared the reprisals that could befall him for challenging the system. She recalled that she was both frightened and thrilled by Hollowell's refusal to be intimidated. She concluded that Hollowell's lack of fear was due, in part, to his upbringing outside the South. Louise remembered: "I asked him one day, 'Don, are you afraid?' He said, 'No, I'm not afraid.' I told him, 'Well, you don't know any better. If you had been born in this section of the country, if you were born where I was born, or in Atlanta, or any of these southern states, particularly Mississippi, Alabama, or Georgia, then you would be afraid.'"[67]

Such experiences were difficult for the eight-year army veteran to reconcile, in light of his willingness to give his life for a country that treated him as less than a full citizen. Hollowell refused to patronize any segregated facility and began to take on cases involving equal access to public accommodations. Many of these legal battles would provide a tactical advantage in the fight for equality, as in the 1960 case that challenged segregated service at Atlanta's airport restaurant. Insulted by the second-class treatment of blacks at Atlanta's airport, H. D. Coke, a black insurance executive with the Protective Industrial Insurance Company of Birmingham, Alabama, decided to strike back. While traveling from Birmingham to Columbus, Ohio, Coke had to change planes in Atlanta; because his connecting flight was late, Delta Air Lines issued meal tickets to him and other passengers and directed them to Dobbs House, a restaurant in the airport terminal.

Coke contended that he entered the restaurant with other passengers and selected a seat at a table in the center of the restaurant. However, the hostess told Coke he could not sit there and directed him to a corner table behind a screen, which she described as "reserved for your people." Coke refused.[68] The restaurant policy was reflected in its decor; in the Old South tradition, it displayed a bale of cotton near its entrance and employed an elderly black man in an Uncle Remus–like costume, complete with overalls and a red bandana, for the amusement of white patrons.[69]

Determined to win social equality for blacks and abolish racial segregation at Atlanta's airport, Hollowell filed a class action suit on behalf of Coke and other African American citizens against the Dobbs House Restaurant, the City of Atlanta, Mayor Hartsfield, and the airport terminal. Thurgood Marshall, Jack Greenberg, Constance Baker Motley, and James Nabrit III of

the LDF, as well as Birmingham attorney Peter Hall, collaborated with Hollowell in representing Coke.[70]

By the early 1960s, Hollowell had established a reputation as Georgia's chief civil rights attorney, and he generated the vast majority of the cases in which he served as chief counsel, including those in which he worked cooperatively with the LDF. However, some cases were turned over to Hollowell from the LDF. For example, Coke initially sought help from Peter Hall in Alabama, and Hall referred the case to the LDF, which subsequently selected Hollowell as the lead counsel to represent Coke.[71]

Coke actually requested that Hall work on the case and be compensated by the LDF. However, Marshall explained to Coke that the case needed a Georgia lawyer and that he "could not justify any double payment to both Mr. Hollowell and to Mr. Hall for a single job which one lawyer could handle."[72] Coke ultimately conceded, and although Hollowell conferred with Hall on the case and kept him apprised of developments, Hollowell served as the main counsel and received the customary compensation from the LDF—"legal expenses and token payment to the lawyer"—for the litigation.[73]

Shortly after the filing of the case, in an October 1, 1959, letter to Coke, Hollowell revealed his conviction about the vital role of the courts in advancing civil rights and the importance of black citizens serving as plaintiffs in the struggle for social justice. In his letter to Coke, Hollowell stated: "May I express to you my sincere appreciation and admiration for being willing to stand up for your rights in the matter of being served in the Dobbs House Restaurant? Since it appears that it is only through the courts that we can make some people understand that we are citizens, it is important that citizens like yourself who have a determination to be treated with dignity and respect, become plaintiffs."[74]

In the complaint, Hollowell emphasized that Dobbs House operated a restaurant in the airport terminal under lease from the City of Atlanta and refused to serve African Americans except on a segregated basis. According to Hollowell, since the restaurant operated under lease from the City of Atlanta, it could not be considered a private facility. The restaurant's refusal to serve blacks on an equitable basis therefore constituted a "state action" that violated the rights of black citizens under the equal protection provision of the Fourteenth Amendment of the U.S. Constitution.[75] Hollowell sought an immediate injunction to restrain the airport restaurant from making any distinction in its services based on race.

Hollowell, who had sharpened his spurs in federal court in the *Ward* and GSCB cases, argued the case with Jack Greenberg before Judge Sloan, who had rendered the partial victory in the GSCB case. To bolster his argument in the *Coke* case, Hollowell obtained an affidavit from Martin Luther King Jr. concerning the Dobbs House's refusal to serve him. Though King's travel schedule initially presented a challenge, Hollowell was able to secure the affidavit prior to the trial. In an August 31, 1959, letter to Hollowell, King wrote, "I regret very much that a rather long absence from the office made it impossible for me to answer your letter. If it isn't too late, I will be more than happy to give an affidavit concerning both incidents in which I was refused service at the Dobbs House in the Atlanta Airport Terminal. I will be in Atlanta Thursday or Friday of this week for a few hours and I will contact you at that time."[76]

Although the City of Atlanta owned and operated the airport, Mayor Hartsfield and the city asserted that the leasing agreement with Dobbs Houses Inc. did not give the city the right to control the operation of the restaurant. Predictably, the defendants used a similar argument to defend their segregationist policies, claiming that Dobbs Houses Inc. was a private corporation, and the City of Atlanta did not have the right to control the restaurant's operation.

In a city that Mayor Hartsfield had characterized as business friendly and racially progressive, Dobbs Houses Inc. contended that "the segregation, if it amount[ed] to segregation in the dining room, [was] the result of its manager's own discretion without direction or control from the corporation or from the City of Atlanta and was dictated by his judgment."[77] Counsel for Dobbs Houses further asserted that it was good business to maintain separate seating for white and black patrons and that the failure to maintain separate seating would cost the restaurant in loss of patronage and revenue.

Despite the insistence of the Dobbs Houses attorneys that the restaurant should be permitted to segregate blacks, Hollowell and Greenberg soundly defeated them. Sloan affirmed Hollowell's contention and ruled that the conduct of Dobbs Houses Inc. represented a state action and that the restaurant's refusal to serve blacks except on a segregated basis violated Coke's rights as a black citizen.[78] Although the court did not hold Hartsfield personally liable for the racially discriminatory action, the decision was a major victory against the City of Atlanta, the restaurant chain, and the defendants' attorneys, who were principal partners in what was arguably one of Atlanta's leading law firms. The ruling forced the restaurant to immediately

begin serving blacks on an equitable basis. On the day of Sloan's decision, Rev. Martin Luther "Daddy" King Sr. and a few other black ministers tested Sloan's ruling. To the astonishment of black employees, who huddled at the kitchen's entrance to observe what would happen, "Daddy" King and his colleagues received courteous service.[79]

Hollowell's legal work in this case advanced the cause of civil rights in Atlanta, even as the strong opposition he encountered revealed the hypocrisy of Hartsfield's 1955 assertion that Atlanta was a "city too busy to hate." While some of Atlanta's business leaders and politicians were more forward thinking on racial issues during this period than officials in other southern cities such as Birmingham, in essence, it was Hollowell's victorious federal lawsuit against Hartsfield and the city that helped make Hartsfield's assertion a reality.

[ CHAPTER FOUR

# Opening the Doors
## Dismantling Segregation in Higher Education

Despite Hollowell's victory in the *Coke* case, which opened doors to blacks at facilities in the Atlanta airport terminal, many other doors in Georgia remained shut—especially the doors to all-white schools. In 1958, four years after the *Brown* decision, Jesse Hill and other black civic leaders renewed their challenge to racial segregation in public schools in Georgia. They chose Donald Hollowell as their chief counsel. Hollowell's legal groundwork in the *Ward* and GSCB cases would prove particularly valuable in countering the legal maneuvers by state officials intent on maintaining segregation in education in Georgia.

Hollowell, who remained a key member of the Atlanta NAACP, was a leader among the community activists who decided it was time to revive their efforts in higher education.[1] His law firm had continued to focus on civil rights cases, and his direct connections to Thurgood Marshall and the LDF were huge assets for the activists who wanted to challenge the segregationist system. Prompted by the *Brown* decision, the LDF had begun to receive major gifts from foundations and corporations, including Rockefeller, Ford, and Carnegie. Marshall directed the support to finance legal cases aimed at bringing an end to segregation.[2]

The LDF paid expenses and court costs for the cases in which it was involved, including expenses for air travel, lodging, and meals. Because most of Hollowell's travel was in state and Jim

Crow restrictions prohibited him from staying in hotels during the 1950s and early 1960s, he did not incur expenses for lodging or air travel, other than the cost of trips to New York to confer with LDF attorneys. During in-state overnight travel, Hollowell often stayed with friends and supporters. In the mid-1960s, the LDF began to offer allowances of salaries in its monthly remittance of expenses and court costs. However, the fees were not large, especially in light of the extensive workload and long hours associated with such cases.[3]

Additionally, in some cases Hollowell was called on to do legal work for the NAACP, which was even more strapped for cash than the LDF. For example, in regard to a 1964 hearing in the case of Preston Cobb, a major criminal case that required Hollowell to travel to New Orleans, Robert Carter wrote to Hollowell: "I am writing you about the scheduled argument in Cobb set for October 9th. . . . I must point out that the Association is at present in what I hope is a temporary financial crisis. I cannot assure you that we would be able to pay you for arguing the case or when, and I am reasonably certain that we could only pay $100 over and above expenses. How soon we would be able to do even that, I can't say."[4] Despite the uncertainty of when or even whether he would be paid, Hollowell responded that he would travel to New Orleans to argue the case. Such instances illustrate Hollowell's generosity with his time and expertise despite his expectation of receiving little or no compensation.

Although Hollowell worked closely with Marshall and the LDF, local lawyers made decisions about which cases to pursue and to appeal. Howard Moore recalled that the LDF never dissented from attorneys' decisions at the local or state level, other than dissuading them from involvement in cases involving labor organizations, because labor entities such as the AFL-CIO were major supporters of the LDF. Moore also noted, "If any Communists were involved, we were to distance ourselves from them."[5] Segregationists who labeled civil rights advocates as Communists did so to discourage support for civil rights and enrage opponents of the movement. The Communist label would thus have severely impacted LDF financial support.[6] With these caveats, however, Hollowell and his law partners were free to actively pursue cases to eliminate state-sanctioned racial injustice.

Emboldened by the federal injunction against racial discrimination at the GSCB, Hollowell was determined to win a landmark court order for the admission of black students to an all-white college. Meanwhile, Georgians had chosen Ernest Vandiver—a staunch segregationist and a protégé of Herman Talmadge—as their new governor. Vandiver was a formidable oppo-

nent whom Hollowell would face many times in the struggle to desegregate Georgia's schools. Vandiver later explained his segregationist stance of the time in a legal context: "My campaign platform at that time was to preserve the county unit system, to preserve segregation, which we had been brought up with all our lives, to give the legislature independence, and not to raise taxes. . . . When you are inaugurated, you swear to uphold the Georgia laws—whether [or not] it is the law of the United States. Georgia laws at that time—you know what it was. They [the schools] should be closed rather than integrated."[7]

The school desegregation campaign mounted by black civic leaders under Hollowell's legal guidance targeted the entire University System of Georgia, which included sixteen institutions for "white students only."[8] In addition to the all-white institutions, Georgia had three historically "Negro institutions": Fort Valley State College, Savannah State College, and Albany State College, all founded in the late 1800s and offering a liberal arts curriculum. The funding and resources provided to these black institutions by the state's regents from taxpayer revenues were minuscule compared to those provided to the all-white institutions. There were no graduate or professional programs for blacks within the state university system; for that matter, graduate and professional programs for blacks in the southern states were virtually nonexistent.[9]

In addition to Hollowell and Hill, the community activists who sought to break the color barrier in Georgia's colleges and universities included Rev. Dr. Samuel Williams, Morehouse College professor, president of the Atlanta Branch of the NAACP, and pastor of Friendship Baptist Church; Atlanta University School of Social Work dean Whitney Young; and M. Carl Holman, who was then an English professor at Clark College.[10] Holman later became editor of the *Atlanta Inquirer*, the radical weekly founded during the Atlanta sit-ins to rival the more moderate *Atlanta Daily World*, which curtailed its coverage of some militant events due to its white advertising base.[11] Most of the activists participating in this effort to desegregate colleges and universities came from black institutions that were not as subject to intimidation or control by the white power structure. Hill used his independence and resources from the black-owned Atlanta Life Insurance Company to become the chief catalyst in many of Georgia's civil rights battles.

The most difficult challenge to Georgia's rigidly segregated colleges and universities, and the most celebrated victory, would be the desegregation of the state's flagship university. The activists were keenly aware of the impact

of a victory that would result in the desegregation of the flagship school. Jesse Hill observed, "We said to ourselves, if we could crack the University of Georgia, then everything would fall down; they would fall like dominos. And so we literally put the Georgia State case aside and decided to concentrate on the University of Georgia."[12]

In the grand tradition of Atlanta's black middle class, the community activists selected two candidates with impeccable and wholesome backgrounds. After the attacks on the characters of the GSCB applicants, which dampened the court victory, Hollowell was meticulous in his efforts to select applicants whose backgrounds would be difficult to besmirch, given the all but certain attack that would come from state and university officials. In selecting the students, the leaders undertook a rigorous screening process that included a series of interviews with the candidates and their parents. Hill recalled: "We did our homework and we carefully selected students who could not be criticized. . . . In other situations where we've tried to desegregate venues, we have not been quite as careful and selective. But in this case, it was airtight. We talked to those students for weeks and weeks before they completed the applications."[13]

Hollowell, Hill, and the other activists selected Hamilton Holmes, the son of a middle-class family long active in the civil rights movement, and Charlayne Hunter, the daughter of an army chaplain and a career woman. Both had high aspirations. Holmes wanted to become a doctor like his grandfather, while Hunter was interested in journalism. Moreover, and fittingly, Holmes was descended from a long line of "race men" committed to racial justice. Alfred ("Tup") Holmes (Holmes's father), Dr. Hamilton Mayo Holmes (Holmes's grandfather), Oliver Wendell Holmes (Holmes's uncle), and family friend Charles Bell had challenged the segregated golf courses in Atlanta in 1955. This bold family team of civil rights activists sued the city in federal court in a case that resulted in the desegregation of Atlanta's golf courses in 1956, the first publicly desegregated facilities in the city.[14] In an interview, Isabella Holmes, Holmes's mother, declared that not only was her son ready for the challenge, but that his father and grandfather strongly influenced him to continue the family's legacy in academic excellence and race uplift.[15]

Hunter's parents, Charles S. H. Hunter Jr. and Althea Hunter, were also supportive of their daughter's choice. Although they had not been leaders in the Atlanta civil rights movement, they had in their own way grappled with the system of segregation. Her father joined the segregated military

early in World War II as an army chaplain and ministered to soldiers who fought for America on faraway battlefields and died without being honored as first-class citizens. Hunter remembers that her father's sermons always focused on human dignity and human rights.[16] Though her father was away in the military during much of the time she struggled to enter the University of Georgia, her mother stood firm and provided strong family support. Both Holmes and Hunter had exemplary high school records and were the progeny of the city's black elite—the kind of students coveted by the nation's black colleges.[17]

Despite their impeccable records, Holmes and Hunter were African Americans in a state bent on maintaining segregation, especially in schools. It was an arduous process even to secure admissions applications. Hill made several unsuccessful attempts to obtain applications by making requests to admissions officials. While the university did not allow African Americans as students or faculty, blacks made up the majority of the janitors at the institution. Determined to overcome the stalling tactics and secure applications for Holmes and Hunter, in an unconventional move, Hill convinced one of the janitors in the admissions office to surreptitiously secure applications.[18]

In July 1959, Charlayne Hunter and Hamilton Holmes were finally able to apply for admission to UGA. As expected, the university summarily rejected their applications on transparently fraudulent grounds. Holmes recalled:

> We were told at that time Georgia had a requirement that all freshmen had to live on campus, male and female. Females had to live on campus for four years, males just for the freshman year—then they could move, and move anywhere they wanted to. They told us that because of no dormitory space—they did not say because we were black, they said because there was no dormitory space—they could not accept us.[19]

That disingenuous response signaled the start of a long legal process that would eventually end 175 years of segregation at the University of Georgia. Hollowell had been down this road ten years earlier in the Horace Ward case. This time he was determined to finish the fight. And this time he had at his side not only the veteran Constance Baker Motley but also two bright new recruits: his young law clerk Vernon Jordan and his former client and new law partner, Horace T. Ward. Jordan remembered:

> I started working with Hollowell the Monday after I graduated from law school. And that first day we were in Atlanta Municipal Court getting dem-

> onstrators out of jail because the civil rights movement was hot. . . . I was the first young law school graduate that Hollowell brought to his office. Horace Ward came in September, and we had a very good time. I carried Hollowell's briefcase, I drove his car, did his research, I studied under him, I was his law clerk, I was his mentee, and we had lots of cases—too numerous to mention—having to do with violations of civil rights and asserting equal opportunity rights for plaintiffs. The most significant by far was the University of Georgia case.[20]

Jordan and Ward were crucial in helping Hollowell meet the increasing demands on his practice. By 1960, Hollowell was severely overburdened with civil rights cases that ranged from his representation of criminal defendants to public accommodations cases such as the *Coke* case to the renewed challenge to desegregate UGA. Due to the volume of demands for his counsel as chairman of Georgia's NAACP Legal Redress Committee and the routine cases of his firm, he often simply did not have the time to follow up on important cases.

For example, in 1964, Augusta branch NAACP president Rev. C. S. Hamilton complained to NAACP executive Roy Wilkins after parents of prospective plaintiffs waited more than a year for Hollowell and local attorneys in Augusta to file a school desegregation case. In a May 21, 1964, letter to Wilkins, Hamilton stated:

> We were told by our local attorneys, Mr. Ruffin and Mr. Watkins and Mr. Hollowell of Atlanta, that the school case would be filed in April of last year but to date nothing has been done.
>
> I am aware that all of us are busy; but when a community is organized and ready to move, then the attorneys do not follow through with a case like this, it handicaps us as leaders of the NAACP in the local community.
>
> After talking with the attorneys, the parents were told the case would be filed within thirty days but a whole year has passed since then.[21]

A few months later, Hamilton complained to NAACP's Southeast director Ruby Hurley, "I hate to bring a complaint every time I write but our chief attorney Donald L. Hollowell was supposed to have sent material to the local school board after the hearing in Brunswick on the 24th of August. . . . We look for Judge Scarlett to stall but not Attorney Hollowell. If he does not have time to handle the case why start it and drag it out as he has?"[22]

Hollowell's lack of a timely response to Hamilton was likely due to the overwhelming demands on Hollowell's time. In a December 29, 1965, memo-

randum to Jack Greenberg, Hollowell and Howard Moore summarized the civil rights cases on which they were working cooperatively with the LDF in December 1965. Not including school desegregation cases, a panoply of cases on appeal, and numerous cases in which the LDF was not involved, Hollowell and Moore were handling more than twenty-five cases with the LDF. Examples of cases throughout the state included the following:

- two cases in Crawfordville, Georgia, involving petitioners arrested for picketing for equal rights, and a case involving Clifford Cooper Jr., charged with reckless driving resulting from his effort to elude a hostile white mob
- a case in Columbus, Georgia, involving blacks arrested for picketing a place of public accommodation without a permit
- a case in Dublin, Georgia, in which fifty-four blacks were arrested for picketing a segregated filling station in the black community
- a case filed on behalf of several young blacks in Savannah, Georgia, under the Fair Labor Standards Act for unpaid wages and overtime compensation
- a case filed to enjoin segregation in drive-in restaurants in Savannah after Dick Gregory led a group of young blacks in sit-in demonstrations
- a case against Mardon Walker related to her arrest and jailing in connection with a sit-in at an Atlanta restaurant
- a case involving Preston Cobb Jr., a fifteen-year-old black youth convicted and sentenced to death by electrocution[23]

On the civil rights cases that Hollowell litigated across the state, it was common for him to work sixteen-hour days over long periods of time. Besides his extended working hours on civil rights lawsuits such as the *Holmes* case, he was forced to practice a wide spectrum of law to help pay the bills. Howard Moore, whom Hollowell recruited to his firm in 1962, remembered: "The areas of law which he mastered were amazing. Not only could he do criminal law, but he could do civil law. He could do contracts; he could do wills; he could do probate; he could do family law. And not only did he do trial work, he did appellate work, and he did transactional work."[24]

Although Hollowell had won several civil rights cases, financial compensation for civil rights work was minimal during this era, and Hollowell often used his own money to pay clients' legal expenses, which clients were unable to reimburse. Hollowell was able to take civil rights cases with no or little remuneration because he and his law partners financed the law practice from fees earned from work in other areas. His partners therefore not only played an important role in the firm's civil rights litigation but also

performed the routine legal work—such as family law, wills and divorces, probates and estates, contracts, personal injury work, and representation of black businesses—that provided vital income to the practice.[25]

Atlanta had a thriving black business community anchored on historic Auburn Avenue, and there was a great deal of activity in the area of small business transactions.[26] Hollowell's clients during the formative years of his practice included James and Robert Paschal, owners of a sandwich shop that opened in 1947. In addition to representing the Paschal brothers in business matters such as the acquisition of property, he handled more mundane day-to-day legal matters as well. For example, among hundreds of documents from Hollowell's office revealing his extensive work unrelated to civil rights is a copy of an executed agreement, prepared by Hollowell, releasing the Paschal brothers from liability in connection with a leather coat stolen from the coat rack at Paschal's restaurant.[27] The Paschal brothers later developed the world-renowned Paschal's Motor Hotel and Restaurant, which became the unofficial center of operations for the nation's civil rights leadership.[28]

As Atlanta's demographic patterns changed and blacks were afforded suburban real estate opportunities, Hollowell's firm also provided legal assistance. After Hollowell and his wife purchased a home in the Collier Heights subdivision, one of the first suburban developments in the nation to be built by blacks for blacks, Hollowell handled much of the legal work for many other Collier Heights purchases.[29] Howard Moore remembered that fees for the legal assistance provided by the firm were not large, but they were steady, and the work provided an excellent source of referrals in other practice areas.[30]

Over the long course of the new UGA case, Hollowell and his team would encounter a host of familiar stalling tactics and maneuvers by state officials. Holmes and Hunter filed a series of appeals to university and regents officials who had repeatedly rejected their applications. Meanwhile, to avoid losing any time from college, Holmes attended Morehouse College in Atlanta, and Hunter attended Wayne State University in Detroit.[31] This proved to be a mixed blessing, for after the completion of their freshman years of college the prospect of entering the University of Georgia had become far less appealing for both students. Holmes had settled into the elite Morehouse College atmosphere, excelling in his studies and joining the prestigious Alpha Phi Alpha fraternity, and Hunter had become a popular student at Wayne State and a member of the prominent black sorority Delta Sigma Theta.

Nonetheless, Holmes considered the University of Georgia's superior science facilities ideal for his premedicine interests, and UGA's premier journalism school still attracted Hunter. The combination of their interests and the strong influence of Hollowell and other community activists led them to again pursue admission to UGA. During the summer of 1960, Holmes and Hunter filed applications to enter the university for fall quarter 1960 as transfer students.

Once again admissions director Walter N. Danner refused to admit them, and they appealed to the regents. Frustrated with administrative minutiae and delays imposed by the regents, on September 2, 1960, on behalf of Hunter and Holmes, Hollowell filed for an injunction before federal judge William A. Bootle in the United States District Court for the Middle District of Georgia to prohibit the university from denying them admission due to their race. The petition also asked the court to enjoin Danner from refusing to consider the applications of black residents of Georgia for admission to the university. Although Hollowell served as chief counsel, helped organize community activists to support the case, and selected Holmes and Hunter as plaintiffs, the LDF provided expert assistance. LDF attorneys Thurgood Marshall, Derrick Bell, and Constance Baker Motley were among those who filed the injunction. Bootle refused to issue the injunction, ruling that Holmes and Hunter had not exhausted administrative remedies. Instead, he ordered the regents to rule immediately on whether the two applicants could proceed with personal interviews, invoking the loosely enforced admissions requirement created after Horace Ward tried to enter the university and reserved for use by university officials to exclude blacks.

In response to Bootle's order, Danner scheduled interviews with Holmes and Hunter. Holmes's interview occurred on November 18, 1960. He described his interview as a calculated attempt to prove he was not qualified for admission: "The interview was obviously an effort to trap me and was obviously an effort to show that I was not qualified for admission to the university. The questions that they asked me were very personal, very negative; they were trying to show that I was not a very desirable person. That my family was not desirable. That my high school was a lousy high school. There was nothing positive about my interview. I don't recall if they ever asked me what kind of student I was."[32]

It was a favorite strategy of southern opposition lawyers to attempt to discredit plaintiffs who legally challenged the segregationist system. Since the *Brown* decision had ruled racial segregation unconstitutional, proponents

would simply dream up other reasons to exclude black applicants. Assailing the character of black applicants, often with fictitious information, was a popular legal shenanigan. Constance Baker Motley noted: "Whenever we filed one of these suits, what they wanted to do, of course, was disqualify the applicant on some ground other than race. So whenever we filed one of these suits, what they would do was investigate the plaintiff—whoever that plaintiff was, male or female—from the day they were born."[33]

Hunter's interview was a somewhat kinder, gentler version of administrative Jim Crow, but the outcome was the same: admission denied. While admissions director Danner informed Holmes and Hunter that they had been rejected because of insufficient dormitory space, he also told Holmes that he did not qualify as a "suitable applicant to the University of Georgia" on the basis of his personal interview.[34] During the interview, Holmes had responded "no" to the question of whether he had ever been arrested. In an effort to assail Holmes's character, admissions officials asserted that Holmes had lied, contending that a previous speeding violation they discovered constituted an arrest.[35] Notably, the law school dean, J. Alton Hosch, had given virtually the same reasons for rejecting Horace Ward—evasiveness and contradictory statements in his responses during his personal interview.

Exasperated with the obstructionist tactics, chief counsel Hollowell led his team in preparing for the trial. With the help of the LDF, they conducted meticulous research on thousands of university admissions records. Vernon Jordan, a junior member of the team, discovered the smoking gun—the key piece of evidence that irrefutably revealed the duplicity of university officials. Jordan recalled:

> I was lucky enough to be the one to find the record of the woman who lived in Marietta, Georgia, Cobb County, who was a transfer student who had been admitted to the university subsequent to Charlayne's application, and Charlayne was being denied on the basis that a junior could not transfer—"some Dannerism," I would call it. This evidence convinced us that we had a case.[36]

The evidence Jordan found was especially pertinent because the student admitted after Hunter had an academic profile almost identical to Hunter's—she was both a transfer student and a journalism major.[37] Hollowell now had the ammunition he needed to make his case; he argued before Judge Bootle that Holmes and Hunter were denied admission solely on the basis of their race.

On November 18, 1960, Bootle scheduled a courtroom trial, which was held in Athens, Georgia, on December 13–17, 1960.[38] In a series of questions during the trial that convincingly made the case for admitting Holmes and Hunter, Hollowell introduced the evidence that Jordan had discovered. The evidence revealed that Bebe Brumby, daughter of the late Otis A. Brumby, member of the General Assembly and owner of two Georgia newspapers, had been admitted to the university for winter quarter 1961, although she had applied after Hunter and Holmes submitted their applications. Brumby was also a relative of United States senator Richard Russell.

The fact that both Brumby and Hunter aspired to be journalists and had applied as transfer students made the disparate treatment even more apparent. It also made the acceptance of Brumby and rejection of Hunter due to limited dormitory facilities indefensible. Hollowell's questioning led to revelations that Brumby actually had been courted for admission, in stark contrast to the flat-out rejection of Holmes and Hunter.[39] In a crucial courtroom exchange between Motley and admissions counselor Paul Kea, Motley made it clear that it was not Brumby's exceptional academic record that justified her special treatment:

MOTLEY: Would you look at that transcript and tell me what kind of student she was, since you evaluate transcripts of transfer students? Was she an "A" student, a brilliant student?

KEA: Well, I would say that of course she is not an "A" student because there is not an "A" on the transcript.

MOTLEY: Do you see any "Bs" on there?

KEA: Yes. There are two "Bs," the rest are "Cs."[40]

Hollowell systematically attacked the spurious tactics and double standards that university officials had used to block the admission of his clients. In a brilliant tactical move during the trial, he educed testimony from UGA president Aderhold that Horace Ward, whom Aderhold and law school dean Hosch had contended did not have the type of mind to study law, had graduated from the prestigious Northwestern University School of Law and was in the courtroom as one of the lawyers on his team. Hollowell then sought to elicit information from Aderhold to emphasize that Ward had entered a law school at least equal to the school that had rejected him.

The defendants' attorney, B. D. Murphy, strongly objected to Hollowell's line of questioning. Murphy asserted that he could not see any possible rel-

evancy of the reputation of Northwestern University's law school. Hollowell responded: "I would submit, your honor, that the witness has testified that under the records here that this young man . . . was denied, among other things relative to qualifications, and that he now further testifies that he understands that he [Ward] is a lawyer who is a part of this case. I felt that it would be relevant to establish that the school at which he attended was at least on a par with the school at which he had previously applied."[41]

Bootle overruled Murphy's objection, and Hollowell continued to question Aderhold, contrasting Ward's acceptance at Northwestern University with his rejection by the University of Georgia. In another strategic move, Hollowell had Ward conduct the direct examination of Holmes on the witness stand.[42] Hollowell noted that Ward brought with him a special passion to see the Holmes case achieve what his own legal case had not been able to accomplish. Hollowell said it made him feel very good to have Ward work with him on the case against UGA because justice had not been served by the outcome of the *Ward* case. Hollowell concluded that one of the most interesting things to develop out of the *Ward* case was the fact that Ward had graduated from Northwestern University School of Law and was able to be a part of the *Holmes v. Danner* legal team.[43] Vernon Jordan summed up the irony, noting, "There's a lot of poetic justice there, that Horace could be denied himself and come back and be counsel to Charlayne Hunter and Hamilton Holmes—as my mother would say, 'The Lord works in mysterious ways.'"[44]

In yet another move reminiscent of the *Ward* case, Murphy sought to show that Holmes did not have a serious interest in admission to the University of Georgia but was pursuing admission at the behest of the NAACP. Murphy relentlessly questioned Holmes about who had advised him regarding admission to UGA and who had retained Hollowell to represent him, in his effort to show that Holmes was a pawn of the NAACP. A seemingly exasperated Hollowell objected to the line of questioning:

> HOLLOWELL: May it please the Court, I submit that this is cross-examination and that the counselor has broad discretion and he can sift as fine as a flour sifter, but I submit that there should be some relevancy to the matter at hand, and I just can't see any relevancy to this type of questioning, as to what specific individuals have discussed with him the matter of going to the University of Georgia, and I object to it on the basis that it is irrelevant.[45]

Although Bootle allowed Murphy to continue his line of questioning trying to show that Holmes was not a bona fide candidate, "Bootle . . . appeared to

share Hollowell's sentiment concerning the irrelevancy."[46] In the following telling exchange, which followed Hollowell's repeated objections, even Murphy made a statement that impugned the relevancy of his own questions to the central issue of the trial:

HOLLOWELL: I submit, Your Honor, that he [Holmes] has not said, and he has said four times now, because the last time I objected it was the third time, that he did not retain the counsel, that his father retained the counsel, and that he didn't know when, exactly, his father retained the counsel. Certainly there is no relevancy.

THE COURT: Well, I don't want to curtail counsel in anything that you tell me in your place that you bona fide think is relevant to this inquiry. Do you bona fide think it is relevant?

MURPHY: I think it is relevant. I don't think it is relevant to whether or not he ought to be admitted to the University of Georgia, but—

THE COURT: Well, that's the only thing we are trying, isn't it?

(*LAUGHTER*)

THE MARSHALL: Order in court. If you are going to remain in the courtroom you will have to be quiet. Otherwise, we'll have to clear the room.[47]

Hollowell's strategy to win the admission of Holmes and Hunter included an effort to show how absurd it was that the tax-supported university accepted students from around the globe but refused to accept any of its native citizens who were black. Hollowell called a secretary from the university housing office to the stand:

HOLLOWELL: Miss Costa, might you indicate some of the different races or nationalities that are presently housed at the University in the dormitories?

COSTA: We have Japanese students, we have Chinese, we have students from India, we have students from Holland, students from France . . .

HOLLOWELL: Do you have any students of Negroid extraction there to your knowledge?

COSTA: Not to my knowledge, no.[48]

Hollowell's strategy and sheer courtroom presence throughout the trial dazzled his young clients, leaving a lasting impression. Holmes said, "When

he was walking around he'd raise his hand up and point his finger. He was always slow and deliberate. I mean he was just fantastic . . . one of the most impressive men I had ever seen."[49] Andrew Young observed:

> Don Hollowell was a gentleman and a master and more like a Shakespearean actor in the courtroom than the typical lawyers we saw at that time. Even Thurgood Marshall could be kind of folksy, but Don Hollowell and Constance Motley were the Shakespeareans, and it would always impress me whenever I was in a courtroom, not only would they quote the cases, but when the judges would send the law clerks to pick up the volume to check the case, they would say, "You will find that on page 365, Your Honor." They were right on the case and you just felt proud sitting in the courtroom watching them handle things.[50]

An able opponent in the courtroom battle was assistant state attorney general E. Freeman Leverett, a formidable attorney who specialized in defending the state against civil rights cases in the 1960s. Yet as Leverett would recall in later years, Hollowell was even more formidable: "Don Hollowell was one of the best trial lawyers I've come up against and probably did most of the work. He did an excellent job of discovery and getting the records and showing that there had been a disparity in the way the white applicants were dealt with by university officials and the way the black applicants were dealt with."[51] Hollowell was also the first black lawyer to try a case before Judge Bootle, who was impressed by Hollowell's legal skill. In an interview, Bootle vividly recalled that Hollowell was a "good trial lawyer" with excellent courtroom presence.[52]

On January 6, 1961, Bootle delivered his historic ruling, finding for the plaintiffs. In light of the huge disparities that Hollowell and Motley had exposed in the treatment of Holmes's and Hunter's applications as compared to those of the white applicants, Bootle ruled that the black plaintiffs were denied admission to the state university solely because of their race. Bootle opined that "Had . . . plaintiffs been white applicants to the University of Georgia both would have been admitted to the university not later than the beginning of the fall quarter, 1960."[53]

In direct opposition to testimony from Aderhold, who denied any knowledge of a university "policy to exclude students on account of their race or color," Bootle found that there was indeed a tacit policy to exclude blacks from admission to the university on account of their race and color.[54] In perhaps the most telling example of officials' untruthfulness related to their

contention that Holmes and Hunter were rejected due to limited dormitory space, Bootle opined that the true reason behind the "limited facilities" claim was best expressed in a handwritten letter from Chancellor Caldwell to President Aderhold dated June 15, 1960. Caldwell stated in the letter that it was his understanding that all dormitories were filled and that Aderhold was "relying on this to bar the admission of a Negro girl from Atlanta."[55]

With a mountain of prima facie evidence revealing the defendants' true motive—to preserve the segregationist system—the fair-minded Judge Bootle ordered the immediate enrollment of the two plaintiffs. Bootle's decision was a major victory for Hollowell, his clients, and the cause of equal justice under the law. It would not, however, bring an immediate end to nearly two centuries of segregation at the university. Before that victory could be achieved, there would be a desperate, last-minute legal skirmish accompanied by student unrest and even violence.

To forestall the desegregation of the university, at Governor Vandiver's request the state immediately appealed Bootle's enrollment order.[56] Bootle, with a volte-face typical of the legal quirks in this case, obligingly granted a stay of his own order.[57] Hollowell and Motley then countered with their own appeal to Elbert Tuttle, Fifth Circuit Court of Appeals judge in Atlanta, for reinstatement of Bootle's injunction against the university. Tuttle, a progressive federal judge unfettered by the entrenched racial prejudice in the Deep South, was unafraid to do his duty at a time when racial justice for blacks was very unpopular.[58] Judge Tuttle therefore summarily upheld Bootle's original decision, declaring that the Supreme Court had held many times that institutions of higher education could not exclude persons based on their race or color. Accordingly, on January 9, 1961, the same day Bootle issued a stay of his order, Tuttle ordered the immediate enrollment of Holmes and Hunter.[59]

Later that eventful day, with a howling mob in the background, Holmes and Hunter, accompanied by Jordan, Ward, Holmes's father, and Hunter's mother, successfully completed the registration process.[60] The next day the state, desperate to preserve the segregated system, appealed to the United States Supreme Court. Eugene Cook, Georgia's attorney general, hand-delivered the seven-page appeal to Edmund Cullinan, the deputy clerk of the court, with instructions that it be delivered to Justice Hugo Black, the supervising judge of the Fifth Circuit. Justice Black, instead of acting unilaterally, presented the petition to all of his colleagues who were in session that day. With unprecedented swiftness, all nine justices affirmed the order to enroll Holmes and Hunter immediately.

As news of the Supreme Court decision spread in Atlanta, friends and associates of Hollowell converged on the Hollowells' modest home in the Collier Heights subdivision in Atlanta to celebrate the victory. Vernon Jordan and his wife, Shirley, ushered the group to Hollowell's den, where they led the celebrants in dancing the "Mashed Potato." The celebrants shouted a joyful chant that summed up the appeals process that ended in success for the Hollowell legal team—"From Bootle to Tuttle to Black and Back."[61]

Meanwhile, Governor Ernest Vandiver reentered the fray. Standing on his campaign promise of "No, not one!" he ordered all university funds to be cut off in accordance with the package of segregationist laws devised shortly after Ward's application.[62] The Georgia Appropriations Act required the withholding of funds in the event that a black student entered an all-white college.[63] Vandiver contended that this was one weapon the state had in reserve to sustain segregation in the event of a court order.[64]

In yet another countermove, Hollowell's team filed for a temporary restraining order of Vandiver's executive order to close the schools. Judge Bootle was not impressed with Vandiver's order and ruled to invalidate the package of patently unconstitutional segregationist laws set up to prevent Ward and other blacks from entering white schools.[65] Bootle held that university officials were not "free to order the admission of plaintiffs when, apparently, the result of such admission under the General Appropriations Act of 1956 would be to cut off the appropriation of funds for the University of Georgia."[66] Even more than forty years later, Bootle retained some degree of annoyance at Vandiver's attempt to circumvent his ruling, saying, "He was going to close the university to keep from complying with my order. That wouldn't do! I didn't hesitate one second to enjoin him as soon as the motion for an injunction was made by counsel."[67]

Within five days, some of the dust had already settled. Holmes and Hunter showed up for their first classes on the morning of January 11, 1961. Not surprisingly, however, the battle was not over. After the relative decorum of the courtroom, Holmes and Hunter encountered open hostility and violent behavior on the UGA campus, which erupted into a riot that night. Rioters converged on Hunter's dormitory with heightened tensions following UGA's basketball game loss to arch rival Georgia Tech. Revealing his intolerance with the admission of Holmes and Hunter and frustration with the loss to Georgia Tech, one student remarked, "We got beat by Georgia Tech and we got beat by the niggers."[68] Rocks and other missiles were thrown, fires were ignited, windows were broken, and the crowd chanted racial insults.

Shortly after the melee at Hunter's dormitory, Hollowell pleaded for reason during a press conference:

> As to whether or not we've asked for any protection by the law enforcement authorities, we have not as such. I think the city police there and such others that are deemed necessary by our justice department or state police authorities would be certainly capable of handling this situation.
>
> I would like to think the people at the university and around the university are sufficiently fair-minded, and they would want to see any Georgia citizen get the best education possible at the facilities that are provided by the state.[69]

Vandiver refused the university's request to send in state troopers, but the indomitable dean of students William Tate and several faculty members helped calm the crowd outside Hunter's dormitory on the evening of January 11. Tate, a stickler for law and order, put aside his segregationist views to protect Holmes and Hunter.[70] Hunter observed that Tate stood like a wall against the rioters.[71] With the help of fire hoses and tear gas, Athens police and fire officials eventually dispersed the mob of two thousand.

Concerned about Holmes's safety in a campus dormitory, Hollowell, Holmes's father, and the group of Atlanta community activists had found refuge for him in the home of Ruth Moon Killian and her two sons, Alfred and Archibald. On the evening of the riot outside Hunter's dormitory room, Klan members, determined to maintain the segregationist order, threatened to burn a cross outside the Killian home. However, in anticipation of possible mob violence at their home, the Killian household had become an armed base camp. Korean War veteran Archibald Killian recalled: "We had between twenty and thirty black Athenians, with about thirty shotguns, with about thirty cases of shotgun shells, and we were ready to do whatever, Malcolm X, by whatever means necessary. I told them, if you burn a cross at my house, you will not have to ask who came. All you gotta do is turn them over in the morning, pull that sheet off, and you will know because we are going to stand up!"[72]

The Klan, whose modus operandi relied on fear, retreated from the well-armed Killian household and did not burn a cross.[73] In addition to the meticulous work that led to the legal victory, Hollowell and the team of community activists had also carefully planned for Holmes's personal safety, selecting a family whose courageous actions repelled the Klan and protected Holmes from injury.

Although no serious injury occurred on campus or at the Killian household, the potential for bloodshed lurked in the shadows. Athens police arrested eight Klansmen on campus on charges of disorderly conduct and carrying a deadly weapon to a public gathering. Even more disturbing, police found in the men's vehicle one .45-, two .22-, and three .38-caliber loaded guns and two belts of ammunition.[74] With the help of Dean Tate on campus and the band of black Athenians at the Killian home, both Holmes and Hunter survived the danger without any physical harm. Ironically, however, Holmes and Hunter were forced to return to Atlanta after university officials suspended them from classes, citing concerns about their personal safety, while most of the rioters stayed in school.

Concerned about his clients' safety even in Atlanta, Hollowell asked Atlanta police chief Herbert Jenkins to provide surveillance at their homes. Louise Hollowell, who had taken a few threatening phone calls, was concerned for her own and her husband's safety and reminded Hollowell that they might also be at risk. Although Hollowell acknowledged that it had not occurred to him that he and his wife could be in danger, because of his frequent absences from home due to his work, he asked Jenkins to provide surveillance at their home as well.[75] Hollowell regularly traveled back roads in Georgia to represent unpopular clients and reasoned that he was far more in harm's way during these ventures than at his home. Reflecting in later years on the possible danger, he said, "I always figured that if somebody wanted to get me, they would."[76] Although he kept a handgun and a shotgun in his home, he never carried a weapon.

After Holmes and Hunter were suspended, Hollowell's team returned to the courtroom prepared for battle, but this time the fight was all but won. Judge Bootle ordered the suspensions lifted on January 16, enabling Holmes and Hunter to return to class. Bootle made it clear that he would call on the president for federal troops if state officials would not maintain order. He declared that the lawful orders of the court could not be "frustrated by violence and disorder."[77]

Hardened segregationists openly defied the court order, and even some state officials continued to urge noncompliance with Bootle's order.[78] The widespread resistance to the ruling included animosity in Bootle's own hometown of Macon, Georgia. Bootle's order reenergized the Klan in Macon. One hundred Klansmen burned a cross on Columbus Road in Macon, and Imperial Wizard Lee Davidson denounced Bootle's ruling, insisting, "It would be better to close the university" rather than allow it to be integrated. Da-

vidson declared that white people must unite "if racial segregation in the South [was] to survive."[79]

Klan-affiliated women from Macon protested at the state capitol, and riotous students hanged Bootle, Holmes, and Hunter in effigy on the UGA campus. Peter Zack Geer, Vandiver's executive assistant, actually praised the rancor, saying, "The students at the university have demonstrated that Georgia youth are possessed with the character and courage not to submit to dictatorship and tyranny."[80] Segregationist sentiments prevailed among the majority of whites in Georgia, and Bootle's hometown was no exception.

In an interview, Bootle acknowledged that this environment was part of his own upbringing and culture; he reluctantly revealed that even his own father had tried to persuade him not to render the decision that resulted in the desegregation of the university. Modestly disclaiming his own role, this champion of social justice said: "We were born with it [segregation]. That was a part of our culture. But I wasn't wedded to it; I was wedded to justice. . . . [The desegregation of the University of Georgia] just happened to happen under my watch. I don't deserve any credit, don't seek any. I just did what any honest, self-respecting judge would have done."[81] Bootle noted that although he had grown up in a segregationist environment, he was nevertheless bound to honor his judicial responsibility to fairness and justice.[82]

Years later, long after the dust of the battle had settled, Vandiver would regret his stand and express remorse, especially for his racially polarizing campaign promise. "I made a major statement: 'Neither my child or your child will ever go to an integrated school, no, not one.' That was a statement I should not have made. Not that I'm putting the blame on anyone else, because I made the final decision."[83]

Interestingly, despite Vandiver's racist campaign slogan and vow to close the university to thwart black student enrollment, on January 19, 1961, just a few days after Holmes and Hunter entered the university, he proposed a package of bills to repeal most of Georgia's segregationist statutes under the veil of a Child Protection Freedom of Association Defense Package.[84] Vandiver, a pragmatist, sought to appease the segregationist sentiments of most whites while at the same time facing the reality of a federal court mandate that challenged the old segregationist order.

Vandiver's so-called child protection bill and his decision not to stand in the door to bar black students, as he had promised during his gubernatorial campaign, dogged him for years among diehard segregationists. As he recalled:

> I had many threats on my life. In fact, I carried a pistol for a while. . . . People would come up to me and say, "Why didn't you fight?" I said it would not have done any good. The Supreme Court ruled. I said, "What did you want me to do, call out the National Guard and fire on Fort McPherson?" It was a situation that had to be met. I met it. I thought that I would never be elected to anything again, and I have not been. So maybe I did commit political suicide, but that was all right.[85]

Vandiver, the well-groomed, handpicked, would-be successor to United States senator Richard Russell, had indeed ruined his political career and in 1972 lost his senatorial bid to succeed Russell. Entrenched segregationists, who still made up a significant voting bloc, had abandoned him, and blacks, who by this time had won more voting rights, remembered all too well his infamous "No, not one" statement. Yet it should be underscored that his decision not to stand in the door to prevent blacks from entering white schools, as Governors Ross Barnett and George Wallace later did in Mississippi and Alabama, no doubt forestalled a worse riot in the aftermath of Holmes's and Hunter's admission to the university. In 1961, fueled by Governor Barnett's bodily blockade and racially polarizing rhetoric to stymie James Meredith's entrance to the University of Mississippi, mob violence led to death and destruction on that campus.[86]

Although Hollowell's legal team had won a long, difficult battle to gain the admission of Holmes and Hunter without bloodshed, the two students had endured character attacks, racial pranks, and threats of physical violence. Resisting such civil rights progress in the 1960s, hardened segregationists escalated racial violence. In Mississippi, one of the better-known incidents of racial brutality was the June 21, 1964, gangland-style executions of civil rights activists Andrew Goodman, James Chaney, and Michael Schwerner. FBI officials recovered the bullet-riddled bodies of the three men on August 4, 1964.[87]

Less than one month earlier, on July 11, 1964, a tragic example of racial violence in Georgia had been the murder of Lt. Col. Lemuel Penn, a World War II veteran, assistant superintendent in the Washington, D.C., schools, and army reserve officer. Penn was returning to his Washington, D.C., home from military duty at Fort Benning, Georgia, with fellow officers Lt. Col. John Howard and Maj. Charles Brown. The black soldiers stopped in Athens, Georgia, near the UGA campus to change drivers. Klansmen noticed the out-of-state license plate and followed them as they traveled outside Athens

into neighboring Madison County. Klansmen Cecil Meyers and Howard Sims fired shotgun blasts from their car that instantly killed Penn, who suffered wounds to his head and neck.

Sims was later arrested at the headquarters of the Clarke County Klavern no. 244 of the United Klans of America Inc. less than a mile from the UGA campus. According to FBI statements, the four suspects arrested and charged in the case—Meyers, Sims, James Lackey, and Herbert Guest—along with other members of the Klan frequented Guest's garage, also located in close proximity to the university.[88] Despite a signed confession from Lackey and corroborating statements from another Klansman, an all-white jury acquitted the two shooters of murder.

Following Sims's acquittal on the murder charge, the unrepentant Klansman persisted in racially charged behavior. In a 1965 incident, Sims trailed civil rights workers to the home of Athens NAACP branch president Rev. William Hudson. Sims used opprobrious and racially insulting language in speaking to Hudson and the civil rights workers. Reverend Hudson, while standing on his own property, drew a pistol on Sims, who had threatened him. Despite Sims's threat, his reputation for racial violence, and the widespread knowledge that he was one of the triggermen in Penn's death, Hudson was indicted for drawing his pistol on Sims. Hollowell represented Hudson in *City of Athens v. William Hudson*, in which Hudson was acquitted. In a related case, *City of Athens v. Joseph Howard Sims*, Sims was convicted and fined $27.00 for cursing.[89]

In 1966, a federal jury convicted Meyers and Sims of violating Penn's civil rights. The fact that the Klansmen's ambush and fatal shooting of Penn was triggered merely by black men driving a car with a Washington, D.C., license plate indicated clearly the potential threat to Holmes, Hunter, and their lawyers.[90] While Hollowell's celebrated victory in the *Holmes* case was an important gain and a historic step for a Deep South university, the Klan murder of Penn showed that blacks continued to endure savage forms of injustice during this era.

Hollowell periodically sought assistance from Judge Bootle to guarantee Holmes and Hunter's safety, including help with an incident that occurred shortly after their enrollment, when a deranged person carrying a gun showed up at Hunter's dormitory.[91] Despite such ongoing challenges, Holmes and Hunter both graduated from the University of Georgia in 1963, ready to embark on what would become very successful careers. Holmes, elected to Phi Beta Kappa, went on to become a highly respected orthope-

dic surgeon, while Hunter has achieved fame and professional success as a journalist. Besides affirming the constitutional rights of Holmes and Hunter, Hollowell and his legal team affirmed that blacks could, if given the chance, achieve great success.

Speaking at Atlanta's Wheat Street Baptist Church, at a mass meeting designed to inform the community about the events leading up to the enrollment of Holmes and Hunter in the formerly all-white University of Georgia, Hollowell urged the overflow crowd to support the NAACP. "If you do not support every good thing in your community that is fighting to help blacks and whites alike, you are not worthy of the freedom some people are winning for you." Tracing the history of the fight to desegregate UGA, Hollowell compared the university's refusal to admit Holmes with its refusal of Horace Ward and noted the irony of Ward's role in the *Holmes* case: "10 years ago, almost in the same month and on the same day, he was plaintiff and here he is counsel helping another black boy [Holmes] get into the University."[92]

Holmes and Hunter rightly credit Hollowell for their legal victory, and they also contend that he was responsible for giving them the confidence to persevere amid formidable obstacles. In an interview, Hunter said that her relationship with Hollowell went far beyond that of attorney and client. She recalled how he had helped her gain the strength to endure the tremendous stress that she experienced in her quest to desegregate the University of Georgia: "I used to call him 'Uncle Don.' I wasn't unique in that sense. He had that relationship with any student he ever represented and they would tell you the same thing. We would say, 'King is our leader. Hollowell is our lawyer. And we shall not be moved.' But it went beyond just the slogan; he cared for all of us as if we were, in fact, his children."[93]

Hollowell's victory in desegregating UGA was significant in civil rights history. However, despite the long, hard battle, the struggle for equity was not over, and segregationists continued trying to dissuade black applicants from attending the university. Shortly after the admission of Holmes and Hunter, Hollowell and Hill joined forces again to help another black student enter the university when Mary Frances Early, also a Turner High School graduate, sought to join her former schoolmates.[94]

Early was attending the University of Michigan as a graduate student supported by an "out-of-state aid scholarship," the decades-old practice designed to keep blacks out of white schools. On January 12, 1961, she noticed a picture of Hunter in the newspaper, "clutching a Madonna and looking so despondent," after Hunter and Holmes had been suspended. At that point

she resolved that she would "join the struggle to help these two young people and do what [she] could to help end segregation that was so prevalent in the South."[95]

Early began by approaching Hollowell and Hill to ask for help in transferring from the University of Michigan to UGA.[96] Despite the less than month-old federal injunction banning racial discrimination that had been affirmed by the United States Supreme Court, university officials recycled some of the same tactics to deny her application. A confidential informant report revealed that university officials had Early spied on to try to discover any kind of character-damaging evidence. She was also subjected to a degrading interrogation by university officials, who asked if she had prostituted herself or visited houses of ill repute.

Despite these tactics, Hollowell, with judicial help from Bootle, was able to win the third black student's admission to the university, this time without a bitter and protracted court fight. Early entered the university during the summer quarter of 1961 and completed her graduate degree in music education on August 16, 1962, becoming the first black student to graduate from the University of Georgia in its more than 175-year history.[97]

In an interview, Early remembered that Hollowell helped her many times during her enrollment at the University of Georgia. On one occasion, he sought help from Judge Bootle after UGA officials insisted that the university was not desegregated for family members of black students, and therefore her family could not attend a music recital in which she was scheduled to perform. Judge Bootle declared that the university was open to family members, but in this instance, the concert had occurred prior to Judge Bootle's declaration.[98]

In discussing the reasons for the triumph in the *Holmes v. Danner* case, Vernon Jordan summed up Hollowell's and Constance Baker Motley's legal talents and commitment to obtaining social justice for black people. His retrospective view captures a dedication to community activism that transcended their roles as lawyers.

> Well, number 1 . . . Hollowell and Motley were good lawyers. Number 2, and equally as important, they were committed to this process. They were acting out of a sense of duty and obligation, not just to their clients but to black people and to the country and to the Constitution. Because there was Hollowell's talent and Connie Motley's talent, combined with their commitment, it's over; it's history. The combination of the two, extraordinary legal talent

> plus commitment and devotion, added up to victory and it was a significant victory to open up the state university that had denied Horace Ward years earlier based on race.[99]

The combination of Motley's and Hollowell's legal talents, community activism, moral suasion, and legal action succeeded in creating an environment for positive social change.[100] The desegregation of UGA was a turning point for Georgia and its recalcitrant political leaders, who finally abandoned their policy of massive resistance and accepted the start of desegregated education.[101] It should also be underscored that although a violent struggle ensued at the University of Mississippi a year later, it was Hollowell's encouragement and support of Holmes's and Hunter's applications to UGA that emboldened James Meredith to challenge "Ole Miss."[102] Additionally, in Meredith's protracted legal battle against the University of Mississippi, the United States Fifth Circuit of Appeals cited the *Holmes* precedent in upholding the injunction against the University of Mississippi. The court specifically noted in its decision that the U.S. Supreme Court had refused to reverse the action of Judge Tuttle when he vacated the stay of Judge Bootle and ordered the admission of Holmes and Hunter.[103]

Building on this momentum, and despite the legal roadblocks and political rhetoric of Governor Wallace and Alabama officials, in May 1963, the LDF brought a suit against the University of Alabama that ultimately won the admission of James Hood and Vivian Malone.[104] Hollowell had not only won the admission of blacks to UGA, a battle that began ten years earlier with the *Ward* case, but his triumph also established a U.S. Supreme Court legal precedent at a Deep South flagship school that influenced the overall legal crusade to unravel the apartheid systems at other such schools.

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[ CHAPTER FIVE

# "An Appeal for Human Rights"
## The Atlanta Student Sit-Ins

Hollowell's defeat of segregation at Georgia's flagship university had an immediate impact on the Atlanta public schools' case, for which he also served as counsel. In the wake of federal judge Bootle's decision to restrain Governor Vandiver from closing schools—Vandiver's strategy for evading Bootle's order to admit Holmes and Hunter to the university—Vandiver influenced the General Assembly to repeal most of its segregation laws. This action effectively ended Georgia's hardened and hostile resistance to school desegregation. It also helped to create an environment that initiated a relatively peaceful, but nonetheless protracted, process of desegregating Georgia's secondary schools.[1]

In 1958, the same year Hollowell and black civic leaders renewed their efforts to desegregate Georgia's colleges and universities, E. E. Moore Jr., Hollowell, and the LDF lawyers also filed suit on behalf of black children to enjoin the Atlanta public schools from operating on a racially segregated basis. One year later, federal judge Frank Hooper, who refused to issue an order against discrimination in the *Ward* case, declared that the Atlanta Board of Education operated a system of racially segregated schools in defiance of the 1954 United States Supreme Court decision. Although Moore, Hollowell, and the LDF lawyers won a decision in 1959 that declared the Atlanta schools

unlawfully segregated, the long, drawn-out process of actual desegregation would not begin until 1961, on the heels of the *Holmes* case.

As part of a subsequent ruling in the case in 1960, Hooper ordered the Atlanta school board to present a desegregation plan for its public schools. Conceding to strong objections and the school board's request to delay the start of desegregation, Hooper decreed that the plan was to take effect with the opening of schools in the fall of 1961.[2] The plan presented by the Atlanta Board of Education abolished segregation beginning in the twelfth grade and thereafter took in a lower grade each year.

Although Moore, Hollowell, the LDF, and the plaintiffs were pleased that Hooper had enjoined the Atlanta Board of Education from racial discrimination, they vigorously objected to the board's obstructionist "Freedom of Choice Plan," which required transferring students to undergo personality interviews and aptitude and scholastic tests, and which would take twelve years to implement. Moore, Hollowell and the LDF lawyers also objected to the twelve-year plan on the grounds that it was not submitted in good faith. The court, however, held that even though the plan would take more than a decade to complete, this did not mean desegregation was not being accomplished with sufficient speed. The court's defense of the snail-like pace of the plan was reflective of many court-ordered desegregation decisions of the 1950s and 1960s, which occurred under the aegis of the United States Supreme Court's famous (and to segregationists, notorious) "dictum of 1955" that desegregation should proceed "with all deliberate speed."[3]

Nonetheless, just a few months after Holmes and Hunter entered the University of Georgia, the Atlanta school board began to implement the court-ordered plan to desegregate Atlanta's public schools.[4] On August 30, 1961, nine black children, who had survived rigorous testing and other hurdles to qualify for transfers, entered four previously all-white Atlanta schools.[5] Georgia officials had vowed to close the schools if forced by court order to admit blacks and had passed state laws to sanction school closings in such circumstances. Yet despite the precedent of massive resistance and threats of violence in the wake of court-ordered desegregation, no violence occurred. Historian Alton Hornsby Jr. has observed that the *Holmes* victory not only opened the state's white institutions of higher education to blacks but also forced the state to abandon massive resistance to school desegregation on all levels.[6] Hollowell's victory in the *Holmes* case served the critical function of achieving desegregation while forestalling any interruption of public education in Georgia. This watershed event, accomplished without violence

or school closings, represented a striking departure from the brutality and disruption that surrounded the desegregation of public schools in Arkansas, Virginia, and Louisiana.[7]

Given the court's willingness to prolong the desegregation process, the dismantling of Jim Crow practices would be a long, arduous struggle, and Hollowell would repeatedly return to court in succeeding years seeking to speed up the process. Even so, he had already played a central role in helping a few black children cross the color line in secondary schools, as he had months earlier with Holmes and Hunter. The token desegregation that resulted from these victories was a far cry from equity or parity but was nonetheless a pivotal step toward securing equal access to educational opportunities for Georgia's black citizenry.[8]

Building on this momentum, civil rights activists focused on the courtroom as the major battleground. Civil rights activist Preston King summed up the impact of Hollowell and other civil rights lawyers during the 1950s and 1960s. "These men were basically revolutionaries within the system, as it existed. Because if you were going to stop short of throwing bombs or hurling bullets, then what you wanted to try was the legal system."[9] Hollowell's legal victories established a precedent for desegregating colleges and schools throughout the state. In the fall of 1961, Georgia Tech opened its doors to black students, and in the following year the Georgia State College of Business (now Georgia State University) admitted its first black student. In the succeeding years black students broke the color line at other leading all-white public as well as private institutions in Georgia, including Emory University in 1962, Mercer University in 1963, and the Medical College of Georgia in 1967.[10]

Although legal victories cracked the oppressive wall of segregation, however, achieving the broader changes that would affect the masses was a slow and grueling process. As Hollowell aptly put it, it was "like pushing cold molasses up a hill."[11] Even Holmes's and Hunter's admission to the University of Georgia did not result in systemic change, for the university admitted only a handful of black students over the next decade. Consequently, the effort to accelerate the achievement of full citizenship rights for the black masses in the 1960s resulted in a bold, direct action strategy in the fight against racial oppression. Civil rights groups such as the NAACP, the Congress of Racial Equality (CORE), the SCLC, and SNCC began forging alliances and engaging in mass protests.

As the protests, picketing, demonstrations, and sit-ins increased, so did the arrests. Hollowell was one of the few attorneys courageous enough to

represent those who dared to take a stand, often placing his personal safety on the line as he traveled to small towns in Georgia to defend the rights of demonstrators. It was not uncommon for Hollowell to confront avowed racists and even members of the Ku Klux Klan.[12] Despite the risks, he was undaunted in his determination to defend civil rights protesters throughout the state.

One of SNCC's leaders whom Hollowell represented, and whose release he secured from jail, was future congressman John Lewis, who now represents Georgia's Fifth Congressional District. Lewis remembered: "Hollowell, C. B. King, and others didn't like the idea of us getting arrested and going to jail all the time, because they knew jail was not a pleasant place. They didn't want us to get hurt. On the other hand, they said, 'If you go ahead and do it, we're going to be there with you; we're going to defend you,' and they did."[13]

As Hollowell crossed Georgia defending clients against discriminatory practices, he personally faced similar inequities and racial biases. Vernon Jordan recalled an incident that he and Hollowell endured in a courtroom in a remote area of Georgia:

> I can remember in Greene County a bailiff not wanting Hollowell and myself to sit where lawyers sit in the courtroom. He wanted us to sit upstairs in the balcony. I said to the bailiff, "You've never seen a lawyer try a case from upstairs." Hollowell, sensing he had two fools in court, went and talked to Judge Knight, and Judge Knight straightened out the bailiff.[14]

The emerging new militancy involved mass student demonstrations and other forms of protest. The student protest movement in the South began on February 1, 1960, in Greensboro, North Carolina. Spreading like wildfire, by the end of March 1960 protests had occurred in sixty-five southern cities in fourteen different states. The goal of the movement was to pressure private businesses that solicited and profited from black trade to extend all their services and courtesies, such as restrooms and lunch counters, to black patrons. In many instances local law enforcement responded to the protests with an iron fist, suppressing and punishing the dissenters. In response, the NAACP undertook a systematic program of legal defense on behalf of the demonstrators, who were charged with crimes ranging from trespassing to loitering.[15] The NAACP designated Hollowell as the chief lawyer in defense of civil rights protesters in Georgia.

Among the local movements inspired by the historic Greensboro demonstrations, the Savannah movement stood out for its success. Drawing

momentum from Greensboro, an economic boycott begun in March 1960 resulted in Savannah becoming the first city in Georgia to desegregate its lunch counters.[16] The Savannah movement owed its civil rights achievements of the 1960s in large measure to the pioneering work of little-known civil rights activist Ralph Mark Gilbert. Gilbert, a University of Michigan graduate, moved to Savannah in 1942 to serve as pastor of the First African Baptist Church. A passionate activist with lofty goals, Gilbert reactivated the moribund NAACP branch in Savannah shortly after his arrival. The presence of a higher proportion of black businesses, predominantly black Savannah State College, a prominent black newspaper (the *Savannah Herald*), and more black community organizations in the state's second largest city than in most Georgia cities provided more opportunities for a protest movement.[17]

While these assets made Savannah ripe for protests and the coastal city was not as racially hostile as more insular communities, it retained major vestiges of Jim Crow. Within this context, the charismatic Gilbert established one of the most active NAACP branches with the largest youth council in the nation. Gilbert led the NAACP to make important changes to Savannah's social order as early as the mid-1940s. By 1946 the Savannah NAACP had championed efforts to register nearly 50 percent of Savannah's eligible black voters. The benefits accrued from Savannah's NAACP activism and direct action in the mid-1940s included a new high school and recreational facilities for blacks, street improvements, black jail officials, and Georgia's first black policemen.[18]

Building on the foundation of civil rights activism laid by Gilbert, two figures emerged as Savannah's foremost civil rights leaders in the early 1960s: Savannah NAACP branch president W. W. Law, who had served as president of the NAACP state conference since 1955, and Hosea Williams, Law's vice president and leader of the Chatham County Crusade for Voters, the political arm of the NAACP.[19] Law also served as a member of the NAACP national board of directors. Despite considerable white opposition, Law directed a fifteen-month campaign to withhold patronage from local white merchants to challenge the racially discriminatory treatment accorded black citizens, the refusal to lift barriers to blacks at lunch counters, and the refusal to hire black workers except in the most menial jobs. Though Law was the guiding spirit of the boycott and it occurred under the auspices of the Savannah branch of the NAACP, Law characterized the boycott as a grassroots effort of "all the people from the community—youth and adults."[20] Adults in the community were motivated by youth who participated in sit-ins. Law

observed that parents felt "that if the kids could sit-in, they could do no less than to withhold patronage from all stores that have a policy of discrimination against Negroes."[21]

In an April 13, 1960, letter to white businesses from the Savannah NAACP, NAACP officials explained: "It is perfectly ridiculous to arrest our young Negroes who simply ask for fair, equal and indiscriminate service in the stores which are licensed to serve all of the consuming public. The Campaign to Withhold Retail Patronage which followed these arrests is an expression of the Negro's resentment to your attempts at illegal repression of their rights as American citizens. The Campaign for Withholding Retail Patronage is a manifestation of the kind of sacrifices Negroes are willing to make for full freedom."[22] On July 6, 1961, a settlement was reached with Savannah merchants opening the lunch counters to black patrons and assuring better employment opportunities for black citizens.[23]

Following Williams's successful stint as a community organizer in the Savannah movement, he became a trusted adviser to Martin Luther King Jr. (MLK) and a key tactician in King's nonviolent revolution. MLK would dispatch Williams to organize protests aimed at frightening white officials into believing that black unrest would prevail until a settlement was reached. After a few days of dealing with Williams, whom MLK described as "my wild man, my Castro," officials were often eager to embrace solutions offered by MLK and his aides.[24]

While Gilbert's leadership laid the foundation for civil rights progress in Savannah, it was the bold activism and community organization savvy of Law and Williams that resulted in Savannah becoming the first city in Georgia to desegregate its lunch counters. The more moderate Law had tactical disagreements with the unbridled Williams, who effectively mobilized night marches to protest segregation in Savannah.[25] Though rivals at times, the two presented a united front to the public and helped accomplish Savannah's historic civil rights achievements. In an interview, Atlanta civil rights leader Jesse Hill noted that any significant history of civil rights in Georgia must highlight the accomplishments of Law in Savannah and across the state.[26] A distinctive aspect of the protest movement in Savannah was its homegrown character; the local NAACP was the dominant organization, and for the most part the protests were directed by local leaders with minimal involvement from national civil rights leaders. Hollowell was often called in to assist local attorneys such as Eugene Gadsden and B. Clarence Mayfield and worked tirelessly on civil rights matters such as gaining the release of

hundreds of Savannah protesters from jail, but he generally did not serve as the chief counsel.[27]

In contrast to Savannah, national leaders from the NAACP, the SCLC, and SNCC, including SCLC leader Martin Luther King Jr. and NAACP leader Roy Wilkins, would become directly involved in the Atlanta demonstrations stimulated by the historic Greensboro demonstrations. Hollowell navigated between the activist organizations as demonstrators demanded an end to Jim Crow practices in Atlanta. Hollowell's assistance to local attorneys in the Savannah movement had been primarily behind the scenes, but in Atlanta he emerged as a chief negotiator between the demonstrators and city officials. He also served as chief counsel for the majority of demonstrators arrested during the protests.

Hollowell began to represent student demonstrators from the Atlanta University Center (AUC) soon after the Greensboro, North Carolina, sit-ins in February 1960.[28] After reading an *Atlanta Constitution* article about the student protests in Greensboro, Morehouse College senior Lonnie C. King, concerned about widespread segregation in Atlanta, approached fellow Morehouse students Joe Pierce and Julian Bond to propose starting a protest movement in Atlanta. King emerged as the principal leader of the grassroots movement. A native Georgian, he had experienced the bitterness of segregation throughout his life. During an interview, King reflected on an incident that occurred when he was twelve years old that helped steel his resolve to fight racial injustice. He recalled that after playing at the John Hope Elementary School in Atlanta one afternoon, on his way home he walked through the warehouse parking lot of the White Motor Company, owned by Coca-Cola magnate Robert Woodruff. As King made his way through the lot, a night watchman's dog approached him.

> I kicked at the dog to keep him from biting me. Didn't kick him but kicked at him so he wouldn't bite me. The night watchman hollered, "Nigga, don't you kick my dog! You wait right there." During those times if a white man told you to stop and stand, you waited because he might shoot you. So I stood there and he came over and kicked me down and pummeled me because I had kicked at his dog. . . . I was just twelve years old. There wasn't even a scintilla of a right that a black child or even black grandfather had that a white person in this town was bound to respect. . . . I came back that night after dark and I brought a bunch of bricks and I broke every window in that warehouse.[29]

King had begged the man not to kill him, and he eventually escaped. With little or no confidence that King could secure justice in Atlanta's criminal justice system, the King family did not report the incident, but King always remembered the indignity and the environment that allowed such brutal treatment of blacks.

In addition to King's experiences growing up in Jim Crow Atlanta, he had experienced racial discrimination during his military service from 1954 to 1957. King joined the Navy after experiencing financial hardships during his freshman year at Morehouse College. He was supported primarily by his mother, who had difficulty financing his education with the wages she earned as a maid.

After three years of military service, King reentered Morehouse in 1957 and became a very popular student body leader and successful football player. Despite his encounters with segregation in the military, he observed that his military experience had honed his discipline, organizational skills, and temperament, which were valuable assets in his role as a student leader. His popularity among the Morehouse student body helped attract students to the movement.

Just weeks after the Greensboro movement began, King, Pierce, and Bond recruited fifty to seventy-five AUC students to stage protests to integrate Atlanta lunch counters. In light of the arrests in Greensboro and other cities where students had engaged in demonstrations, the student leaders decided they needed legal representation. King recalled how Hollowell came to serve as legal counsel for the students:

> We said we have to secure a lawyer before we risk all these things. So we went to see a black lawyer on Hunter Street—J. C. Daugherty. He told Joe [Pierce] and me that he wanted three thousand dollars to represent us, which was ridiculous. So Reverend Dr. Samuel Williams, who was president of the Atlanta branch of the NAACP, we told him about it, and he suggested that we go talk to Don Hollowell. We didn't know who Hollowell was. So he arranged for us to go and talk to Hollowell and tell him what we were doing. Mr. Hollowell didn't talk about money, and he said, "I'll be happy to represent you." So that began a relationship that lasted a long time.[30]

Although Hollowell had agreed to represent the students and they were ready to hold their initial demonstrations, the AUC Council of Presidents (comprised of the presidents of the six historically black colleges and universities in Atlanta) persuaded them to first publish a statement of grievances

in the Atlanta papers. The majority of the presidents—including Morehouse College president Benjamin Mays, Spelman College president Albert Manley, Atlanta University president Rufus Clement, and Clark College president James Brawley—urged the students to focus on their classes and stressed that they could change the world after completing their education. The four presidents explained that they were trustees in loco parentis and therefore could not condone the students violating the law and risking arrest.[31]

However, Interdenominational Theological Center president Harry Richardson and Morris Brown president Frank Cunningham privately supported the students' plans to demonstrate. In a meeting between the Council of Presidents and AUC student leaders, Lonnie King recalled impassioned remarks by Harry Richardson about how the presidents were caught in a paradox. King paraphrased Richardson's statement: "We are all Negroes in this room and we know the children are right, but we cannot afford to encourage them to do this because we would be violating our responsibilities as presidents. But they are right morally, maybe not legally, but morally."[32]

Although the presidents could not afford to openly advocate that students violate city ordinances or state laws, these men and their families personally experienced the indignities of segregation on a daily basis, and they deplored this second-class citizenship. Some of the presidents had even established a record of publicly opposing racial inequities. Mays, for example, was actively engaged in NAACP efforts to end segregation and had supported Horace Ward in his battle to end segregation at the University of Georgia in the early 1950s.

In an interview, Ward observed that Mays was uncompromising in his insistence that Morehouse students accept their duty to uplift their community from the forces of racial oppression and bigotry. Mays regularly challenged Morehouse students to oppose the segregationist system, and he set a tone within the Morehouse walls that encouraged students to accept social responsibility. Ward recalled that Mays even admonished Morehouse students for patronizing segregated establishments.[33] "Benjamin Mays [Morehouse president] preached that you don't do anything to segregate yourself, except out of necessity. For instance, if you couldn't afford a car, you had to ride the segregated bus. But you didn't go to theaters where you had to sit in the balcony because that's not a necessity of life."[34]

Morehouse graduate and civil rights activist Leroy Johnson, Georgia's first black senator, vividly recalled Mays passionately dissuading Morehouse students from patronizing segregated establishments:

> I thought growing up that segregation was a part of life. . . . There was a theater in Atlanta, the Fox Theatre, where black folks could attend, but they had to go around back and go up the steps to see movies. White people, of course, entered through the front. I used to go to the Fox Theatre.
>
> I went to chapel one morning right after I entered Morehouse. Dr. Mays spoke to the student body, and he said that a Morehouse man can never afford to pay for segregation. That Morehouse men must understand that they have a commitment that they must make, and to make this commitment they must make it void of any system which relegates you as being inferior. I sat there and thought that Dr. Mays saw me come out of the Fox Theatre! From that day forward, I never again went to a segregated theater, never again went to the Fox.[35]

Mays had created an environment that fostered resentment toward the barriers of segregation and encouraged a spirit of activism among the students. The sense of resentment that Mays helped to create erupted in the AUC as the wave of protests by black college students swept across the South.[36] The student activists were no longer willing to temper their aspirations in a segregated system that rendered them second-class citizens. Veteran civil rights leaders such as Mays had fought the battle for equality through the "regular channels of democratic decision making," but little tangible progress had been realized.[37] Thus with exuberance and enthusiasm, and despite possible arrests and violence, the students saw the sit-in movement as a pathway to rapid social change.

Ironically, Mays—who had fervently advocated that Morehouse faculty and students accept responsibility for fighting social injustice—did not endorse the students' method of protest. Nonetheless, given Mays's long history as a leader among civil rights activists, including his involvement with the SNYC, it would be a mistake to portray his disapproval of the proposed student protests as anything more than a tactical disagreement. Mays faced a conflict between his ideological support of activism and his professional role of ensuring the safety of his students. While Mays openly supported legal challenges to segregation such as the action undertaken by Ward and the boycotting of segregationist establishments, he hesitated to support direct action that might lead to students' arrests or injuries. Mays and other members of the council hoped that the public appeal would convince city officials and business leaders to integrate lunch counters, thereby avoiding student protests and possible arrests.

Roslyn Pope, president of Spelman College's Student Government Association, working in collaboration with student leaders Bond, King, Morris Dillard, Carolyn Long, and Herschelle Sullivan, drafted a petition titled "An Appeal for Human Rights." M. Carl Holman, a Clark College faculty member, served as their main adviser.[38] The appeal was signed by representatives of the six student bodies of the AUC—Willie Mays, president of Atlanta University's Dormitory Council; James Felder, president of Clark College's Student Government Association; Marion D. Bennett, president of the Interdenominational Theological Center's Student Association; Don Clarke, president of Morehouse College's student body; Mary Ann Smith, secretary of Morris Brown College's Student Government Association; and Pope.[39]

The appeal was published as a full-page advertisement in the *Atlanta Journal*, the *Atlanta Constitution*, and the *Atlanta Daily World*.[40] It expressed the new militancy characterizing the student movement that was sweeping the nation, conveying the students' impatience with racial oppression and the slow pace of social change. The appeal also articulated the contradictions between religious doctrine and democratic ideals, on the one hand, and the realities of second-class citizenship for blacks, on the other.

> We the students of the six affiliated institutions forming the Atlanta University Center . . . have joined our hearts, minds, and bodies in the cause of gaining those rights which are inherently ours as members of the human race and as citizens of these United States. . . .
>
> We do not intend to wait placidly for those rights which are already legally and morally ours to be meted out to us one at a time.
>
> Today's youth will not sit by submissively, while being denied all of the rights, privileges, and joys of life. We want to state clearly and unequivocally that we cannot tolerate, in a nation professing democracy and among people professing Christianity, the discriminatory conditions under which the Negro is living today in Atlanta, Georgia—supposedly one of the most progressive cities in the South.[41]

The students' public call for human rights and dignity attracted nationwide attention and appeared in media outlets throughout the nation. Impressed by the eloquent appeal, several days after the manifesto's publication in the media, Republican senator Jacob Javits requested that the entire appeal be entered into the *Congressional Record*. Javits commented, "Mr. President, at a time of crisis and tension in racial relations in certain of the Southern states, I believe all Americans should welcome the traditional, reasonable American 'appeal

to reason.' This is eloquently set forth . . . on a full-page newspaper advertisement entitled an 'Appeal for Human Rights,' signed by the student bodies of six affiliated institutions which form the Atlanta, Ga., University Center."[42]

However, despite the appearance of this eloquent and powerful appeal in such influential publications as the *New York Times* and the *Congressional Record*, the manifesto failed to yield the desired outcome, and the students revived their plan to stage protests.[43] Not surprisingly, political leaders sought to dismiss the students by resorting to well-rehearsed tactics implying that the appeal had been prepared by Communists. Governor Vandiver declared: "I have read the 'paid advertisement' purporting to come from students of the six affiliated institutions forming the Atlanta University Center. The statement was skillfully prepared. Obviously it was not written by students. Regrettably, it had the same overtones which are usually found in anti-American propaganda pieces. It did not sound like it was prepared in any Georgia school or college; nor in fact, did it read like it was written even in this country. This left-wing statement is calculated to breed dissatisfaction, discontent, discord and evil."[44]

Taking a page from the FBI, which had questioned Hollowell's loyalty and patriotism and labeled him a Communist based on his involvement with the SNYC, Governor Vandiver similarly assailed the Atlanta University student activists.

Nonetheless, the students persisted with their plans to rally against racial discrimination. Student protests occurred at Atlanta's bus and train stations, and students organized a sit-in at a theatrical performance in Atlanta's Municipal Auditorium as early as March 1960. While the student protests in Greensboro, North Carolina, and many other cities started at lunch counters in chain variety stores, the student protests in Atlanta initially targeted restaurants in public places, especially those in city, state, or federal government–owned buildings such as City Hall or the county courthouse.

On March 15, two hundred well-dressed black students from Atlanta sat in at numerous establishments. Despite their impeccable attire and orderly and peaceful manner, seventy-seven of the protestors, including Rev. A. D. King, brother of Martin Luther King Jr., were arrested, handcuffed, and driven to the city or county jail in police wagons.[45] A. D. King was the spokesperson for a group of twenty-five persons arrested at the Terminal Railroad Station. After A. D. King and other students from AUC colleges refused police orders to leave the restaurant, they were arrested, "then ushered out of the restaurant and the station and crammed into a single paddy

wagon."[46] In response to a reporter's question, A. D. King remarked, "We are not trying to prove anything. We are just hungry and would like to get something to eat."[47]

Inside Sprayberry's Cafeteria, one of the restaurants where a protest took place, the owner, Mrs. Herbert Sprayberry, ordered black employees to remove all the food from the serving line. However, in a show of solidarity with the student activists, eighteen of the twenty-one employees put their jobs on the line to support the movement. Mrs. Sprayberry told newsmen, "Only three of my colored help would pull the steam table."[48]

All seventy-seven of the protesters were released after a three-hundred-dollar property bond was posted for each one by black leaders, including Q. V. Williamson, Ralph Long, Charles T. Bell, Rev. Martin Luther King Sr., Rev. B. J. Johnson, and Rev. E. R. Searcy.[49] One of the student leaders arrested was Julian Bond, who recalled:

> I had been chosen out of the group arrested at Atlanta City Hall to be tried for my group. I'm standing between these two men whom I met for the first time in my life—Donald Hollowell on my right and A. T. Walden on my left. I didn't really understand what was happening. This is the first time I've ever been in court and there is some back and forth between these two men and the judge says to me, "How do you plead?" Well, I was stunned. How do I plead? I didn't know what to do. I turned to look at Colonel Walden, who was the older of the two men. And he was engaged in a conversation with the bailiff. So I couldn't get an answer there. I turned to Donald Hollowell, and in a stage whisper I'm sure could be heard throughout the whole courtroom, he said, "Not guilty, you fool," and I said "Not guilty."[50]

This was Bond's and the other students' baptism by fire; none of them had been in jail before, and they were indicted on nine counts, sufficient, as Bond recalled, "to put me away for ninety-nine years, and you think I wasn't scared?"[51] While convincing city officials to drop the excessive and ridiculous charges would be a long, arduous process, later that night Hollowell and Walden obtained bonds for the students' release.

The next day, Hollowell and Walden were in court arguing for exoneration of the students. In a hearing before Judge E. A. Wright in the Civil Court of Fulton County, defending students who had been arrested for attempting to dine at the State Capitol cafeteria, Hollowell elicited testimony from assistant manager Allene B. Dunn that vividly showed how state facilities blatantly discriminated against black patrons.

HOLLOWELL: Mrs. Dunn, is the restaurant located on State-owned property?

MRS. DUNN: Yes.

HOLLOWELL: Do you know whether or not the restaurant is leased from the State?

MRS. DUNN: It is leased from the State. . . .

HOLLOWELL: Mrs. Dunn, I believe you also stated that you told the young people that you could not feed them?

MRS. DUNN: That's right.

HOLLOWELL: And the reason you told them that was because you had no facilities there for the feeding of Negro patrons; isn't that right?

MRS. DUNN: We do have facilities.

HOLLOWELL: You have no facilities in the installation where you were and where these students were?

MRS. DUNN: No.

HOLLOWELL: As a matter of fact, the policy is that no Negroes are fed in that cafeteria; isn't that correct?

MRS. DUNN: That's right.

HOLLOWELL: When you say you have some other facilities, you mean that little cubbyhole around the corner?

MRS. DUNN: Yes.[52]

Hollowell also elicited testimony to show that the defendants had been appropriately attired and displayed good behavior in their efforts to be served at the cafeteria.

HOLLOWELL: Were all these persons that came in attired in ordinary clean and acceptable routine conventional attire?

MRS. DUNN: They were.

HOLLOWELL: Their conduct was at all times above reproach, was it not?

MRS. DUNN: It was.[53]

Atlanta Student Movement leader Frank Smith Jr. reflected on the irony of the demonstrators' arrests, in contrast to the treatment received by the hecklers who harassed them:

> As I think back on it now, it is even more distressing that we would go to a restaurant and sit at the counter and try to order some lunch and our people would be attacked by hoodlums. We were beaten, pushed around, poured coffee on, and things of that nature. The police would come and arrest us. We were the ones who were arrested and ended up in jail for disturbing the peace although we didn't disturb the peace; we were peaceful, well dressed, and orderly. The system wouldn't arrest them for aggressively and maliciously attacking us.[54]

The arrests of Atlanta student demonstrators and the failure of officials to bring charges against the hecklers were akin to the treatment of Charlayne Hunter and Hamilton Holmes as compared to the rioters outside Hunter's dormitory room. Officials suspended Holmes and Hunter from the university for their "personal safety," yet the student rioters stayed in school. Even more troubling, however, were the incidents in which civil rights protesters were severely injured or killed, yet officials either refused to charge the perpetrators or they were exonerated by a racially unjust criminal justice system, as evidenced by the acquittal of the murderers of Schwerner, Goodman, and Chaney.

Undaunted by their arrests, the students continued their protests and sought to negotiate with white business leaders, including Richard H. Rich, owner of Rich's, Atlanta's largest department store. Despite Rich's reputed liberal leanings and his record of support for the established black leadership, he and other business leaders offered no concessions and demanded an end to the protests.[55] In a June 24 meeting between Rich and the protesters, Rich, who was Jewish, asserted that he "understood discrimination" and sympathized with the students' cause. He promised to desegregate his store after the desegregation of the Atlanta public schools. The students were not impressed with his offer and threatened a complete boycott of his store. Rich angrily walked out of the meeting, exclaiming that he "didn't care if another Negro EVER [came] into [his] store."[56]

The students were equally disturbed by what they termed Rich's arrogance and incensed by his claim that he could do without black business. Lonnie King asserted that Rich's depended on black trade for profits. "The

African American community at that time was 33 percent of the population of Atlanta . . . and almost everybody in Atlanta had a Rich's charge plate."[57] King declared that it was the activists' goal to "knock off" Rich's margin of profit. Despite the failed attempt to reach an agreement, the students left the meeting defiant and determined to continue their direct-action campaign.

The protests also did not win full support within the black community. Some traditional black leaders, including *Atlanta Daily World* publisher C. A. Scott, questioned the necessity of the sit-ins and urged students to focus on pushing for a "civil rights law" and voter registration. Scott expressed the sentiments of some of the old-guard black leaders who advocated political and legislative approaches to achieve social change. Scott also had economic reasons for discouraging direct-action tactics: his newspaper lost paid advertisements from businesses that demonstrators targeted.[58]

Some black leaders particularly opposed protests at Rich's because of Rich's more progressive record of black employment, albeit not in sales, white-collar, or managerial positions. Although Rich's maintained some forms of segregation, such as segregated restaurants and lunch counters, the store had quietly removed Jim Crow signs from drinking fountains. The student leaders in Atlanta, however, like students on many other college campuses across the South in the early 1960s, felt that political and legal approaches were not yielding demonstrable change, and they demanded an immediate end to segregation, including lunch counters and restaurants.

When one examines the Atlanta Student Movement, it is clear that young, militant, local activists played a major role in guiding the protests. The students insisted that they had planned the protests alone, although they maintained an association and involvement with national civil rights organizations.[59] It should also be underscored that leaders of established civil rights organizations such as the NAACP were not monolithic in their views of direct action and the students' protest activities. August Meier has concluded that "it is impossible to generalize about the NAACP. . . . Some branches have embraced direct action whole-heartedly."[60] For example, local NAACP president Rev. Samuel Williams, whose priorities often differed from those of the national NAACP, advised SNCC and Atlanta University student activists and devoted only limited time and energy to the NAACP branch.[61] Williams departed from the national NAACP's emphasis on legal and legislative approaches and voiced strong support for direct action. Williams roundly criticized those adults, including prominent NAACP members, who did not support the students. He pledged the local NAACP's full support of the students

and charged that those who opposed the sit-ins were either "victims of brain washing or profiting from the system."[62]

At a February 15 rally to support seventy-seven jailed student activists and eight ministers who were incarcerated for a sit-in at Atlanta's Terminal Railroad Station, Williams displayed his unswerving support for the protest efforts. He asserted, "We're going to stay with [the students and jailed pastors] and even die with them—if necessary. Some things are worse than dying; for instance, having your freedom denied permanently."[63] Williams praised the students and ministers for violating unjust laws and dramatizing the injustices that blacks faced.

Hollowell also championed the students' appeal and direct-action campaign. On March 16, several students spoke at a closed, hour-long mass meeting of 1,400 black students, held in the gymnasium of Morehouse College. One speaker invited to the meeting who wasn't a student was Hollowell. Hollowell's credibility with the students stemmed from his open support for the students' direct action, but he also noted that "he had been invited to the meeting on behalf of his seventy-seven clients," who had been arrested for their protests the previous day.[64] Hollowell had four messages for the group:

1. He congratulated them on their "Appeal for Human Rights."
2. He congratulated them on their "orderliness and thoroughness" in Tuesday's protests.
3. He suggested to them that Atlanta police and Fulton County law officers should be commended for the "splendid manner in which they carried out their duties Tuesday."
4. He suggested that the students, "inasmuch as they have now joined issues in the law," should await the outcome of the judgments in the cases.[65]

While Hollowell had no reservations about the protests, unlike many of the students who saw direct action as the means to end segregation in Atlanta, he proposed to use the student arrests as a means to declare Atlanta's segregation unconstitutional in the courts. Hollowell said he hoped that the students would organize no further sit-ins "until [they got] a final judgment." Although the student leaders deferred to Hollowell and issued a statement that no more sit-ins were planned, the students had no intention of permanently ending the sit-ins without the immediate implementation of the reforms outlined in their "Appeal for Human Rights."

Notwithstanding student activists' common ground with leaders such as Williams and Hollowell, they often chartered their own grassroots "libera-

tionist struggle" and openly differed with established black leaders and civil rights organizations.[66] The students were tired of waiting for court judgments, which were slow to bring about social change. Lonnie King cited the failure to implement the *Brown v. Board of Education* decision as the reason for young activists' mistrust of elder black leaders, who insisted that civil rights litigation was the proper tool to use against segregation. King observed in 1960, "We have left the Supreme Court decision to the courts, and in six years, barely one percent of the school districts in the South have been integrated."[67] John Lewis eloquently expressed the sentiments of the young activists, "We were all about a mass movement, an irresistible movement of the *masses*. Not a handful of lawyers in a closed courtroom, but hundreds, thousands of everyday people . . . taking their cause and belief to the streets."[68]

Despite their efforts to distance themselves from the tactics of black leaders, however, student demonstrators nevertheless benefited from the national attention brought to their cause by the presence of Martin Luther King Jr. and national civil rights organizations. Also, thousands of everyday people who took their cause to the streets were bailed out of jail and defended in the courtroom by lawyers who were often supported by the established civil rights organizations. Civil rights litigation also achieved important victories that obviated the need for demonstrations; for example, Hollowell's triumph in the *Coke* case resulted in the desegregation of facilities at the Atlanta airport without sit-ins.

Even the historic Montgomery bus boycott required both direct action and a hard-fought court battle, filed by local attorney Fred Gray and aided by Thurgood Marshall and the NAACP, that ultimately resulted in blacks riding buses in Montgomery on a nonsegregated basis.[69] Marshall and the NAACP also vigorously defended the Atlanta students' participation in the sit-ins. A few days after the student arrests in Atlanta, Marshall vowed, "We are going to appeal every fine. . . . Our job is to find out what the federal right is and then how to apply it."[70]

Marshall backed up his vow with LDF financial support for Hollowell and his partners in the Atlanta student sit-in cases. Hollowell was the LDF's lead lawyer in the cases, and unlike some of the challenges he faced in obtaining support from the NAACP, the LDF extended *unlimited* financial support in these cases. In a June 3, 1960, letter to Hollowell, Jack Greenberg wrote, "Thurgood has in the past found it necessary to place an upper limit on the fees to be paid in these matters so that we can have some way of predicting our expenses. In your situation, however, he is not placing any specific maxi-

mum, but does request that you make every effort to keep our expenditures within limits reasonable in view of the problems you must face in the case."[71] Despite tactical differences, conflicts, and disagreements between the young activists and established civil rights organizations, their relationship was also characterized by an interdependence and interreliance that advanced their mutual goals.[72]

Nonetheless, by October 1960, dissatisfied with the slow progress toward racial equality and impatient with the stonewalling by Atlanta's business leaders, a broad spectrum of Atlanta students had become deeply involved in the struggle and were targeting segregated chain stores. Atlanta student leaders Lonnie King, chairman of the Committee on the Appeal for Human Rights (COAHR); coleader Sullivan; Morris Brown College student leader Bernard Lee; and Bond pressed veteran civil rights leader Martin Luther King Jr., who had mobilized the masses in the historic Montgomery bus boycott, to join the Atlanta students in staging protests. The maverick Lonnie King, who had been baptized by Rev. Martin Luther King Sr. and attended MLK's church (Ebenezer Baptist Church), even told MLK that "he was going to have to go to jail if he intended to maintain his position as one of the leaders in the civil rights struggle."[73]

Martin Luther King Jr., who had helped popularize SNCC's notion of "filling the jails" and "jail, not bail," was in no position to dismiss the student sit-ins in his own hometown while inspiring others to go to jail for their grievances. Despite the concerns of MLK's advisers that his possible arrest with the student protesters could represent a probation violation related to an earlier minor traffic offense, after a passionate plea from Lonnie King, on October 18 MLK reluctantly agreed to join the student protests. In his plea, Lonnie King reminded MLK of a sermon his father had preached titled "You Can't Lead from the Back":

> I said, "M. L., you cannot lead from the back; you gotta lead from the front." I explained to him, as a result of Montgomery, you are the most famous African American in this country when it comes to civil rights, and you've got to come out and do this because we need you, and we cannot afford to just back down because you might go to jail. So when I made that point, he said, "L.C., what time do you want me to meet you?" I said ten o'clock in the morning at Rich's.[74]

In a challenge to Jim Crow practices among Atlanta's white businesses, student movement leaders staged mass sit-ins in lunchrooms at local depart-

ment stores. Hollowell, who at this time was serving as counsel to Holmes and Hunter and as counsel in the suit against the Atlanta public schools, was also ready to take on the courtroom challenges presented by the direct action—including the defense of Martin Luther King Jr. and the student sit-in protesters.[75] As he had promised Lonnie King, MLK joined a student demonstration at Rich's elegant Magnolia Room restaurant on October 19, 1960. When MLK was told by Bennett F. Tuck, general superintendent of Rich's, that he could not eat in the Magnolia Room and that facilities for blacks were located in the Hunter Room in the basement, MLK responded, "I would like to point out to you that I have spent in the last year over two thousand dollars in your store and I feel it is my moral right to stay here."[76]

The Atlanta Student Movement provides a vivid example of how sit-ins, bus boycotts, and other forms of protest often started on the grassroots level and developed to involve national civil rights organizations and prominent civil rights leaders.[77] In the case of the Atlanta Student Movement, Lonnie King, Joe Pierce, Julian Bond, Roslyn Pope, M. Carl Holman, and other indigenous activists generated the protests from the bottom up. Martin Luther King Jr., the SCLC, and other major civil rights leaders and organizations joined their efforts. It is important to acknowledge the initiative of these unsung activists and leaders in the freedom struggle and to challenge the sometimes "prevailing sentiment that the movement was only a Movement because of the emergence of an exceptional set of charismatic national leaders."[78]

Historian Evelyn Brooks Higginbotham explains that a "Great Man–centered paradigm has often dominated civil rights history and determined what it looked at and who is seen."[79] Martin Luther King Jr., Thurgood Marshall, Roy Wilkins, and other national leaders played significant roles in the Atlanta Student Movement. However, Atlanta students and local leaders initiated the idea for the protests and mobilized the civil disobedience from the ground up. Such leaders were significant to the movement not just as demonstrators on the front lines but also in integral and strategic roles in guiding and organizing the mass protests. For example, Atlanta student leaders strategically targeted Rich's, Atlanta's leading department store and a symbol of the city. Lonnie King remembered that the students reasoned that if they could desegregate Rich's, the other department stores would "fall like dominoes."[80]

Martin Luther King Jr. was among over fifty demonstrators, including local SNCC leaders and five student body presidents from the AUC schools, arrested for violation of the state antitrespass law at Rich's. Appearing before

Judge James Webb, MLK pleaded not guilty to the charge of breaking Georgia's antitrespass law and vowed to "sit in jail 10 years if necessary," rather than post a five-hundred-dollar bond.[81] Refusing bail, he insisted that he would leave the jail only if the police dropped all charges.

The police refused, and MLK was hustled off to spend his first—but far from his last—night behind bars. Thirty-five students followed him to the Fulton County jail.[82] Judge Webb dismissed sixteen of the demonstrators after Hollowell elicited testimony that helped them evade the trespass charge. Under intense cross-examination by Hollowell, a police official testified that the students had been asked to leave the dining room but not the premises.[83] This legal technicality allowed charges to be dropped for some of the jailed protesters.

The next day, in a precursor to his famous "A Letter from Birmingham Jail," MLK penned a letter from his jail cell describing the injustice and appealing to friends for support:

> I have dictated this letter to you from the Fulton County Jail in Atlanta. Thirty-five students are imprisoned here with me merely because we sought equal treatment at a lunch counter. It is difficult to prophesy what tomorrow will bring. With sufficient national pressure we may be released soon. Without it, we may remain in jail indefinitely.
>
> This, however, is but one facet of our struggle. Recently, we of the Southern Christian Leadership Conference experimented with a new technique; large groups of Negroes in twelve Southern cities marched to the registrar's office and demanded they be put on the voting rolls. They warned evasive officials that they would stand in the office until their lawful rights were granted. Thus was born the "stand-in" for voter registration. . . .
>
> We who are organizing these significant efforts are fully aware that our actions may be countered, as in the past, with brutal violence. Beatings, bombings, and even cold-blooded murders have been used to prevent Negro registration. On October 15, our field secretary, Mr. Blake, while working on voter registration in Shreveport, La., was fired at from a speeding car. The bullet missed his head by inches. But he drove on to continue his work. Again and again the Negro people, on their determined march to freedom, have answered such attacks with a courage which awes even their enemies.
>
> But courage, determination, even willingness to risk death do not guarantee victory in this struggle. Funds are needed for legal defense, for care of families of victims, for educational materials and for food for those "standing-in."

> Contribute now—today—to our many-sided fight! Share in the coming great triumph of Democratic Rights and Human Dignity![84]

Ironically, on the same day that MLK wrote this impassioned letter, police arrested more student protesters and incarcerated them in the Atlanta city jail. In addition to the demonstrations at Rich's, the student activists staged protests at other stores including Davison's, S. H. Kress, Newberry's, Grant's, Woolworth's, and McCrory's. Lonnie King, who had helped convince Martin Luther King Jr. to join the protests, was locked up in Fulton County jail cell block no. 1–East 2 with him and several other protesters. In his own letter from his jail cell, printed on the front page of the *Atlanta Inquirer*, Lonnie King lambasted Rich's, a principal target of the student protesters, for having students arrested and sought to rally the community to support their cause.

> Oddly, Rich's department store was the only store which had students arrested. 52 students were arrested there, probably the largest number ever arrested at any store in the South.
>
> Only 36 of us were bound over to Superior Court. These young people are thoroughly dedicated to the principle of nonviolence and all are willing to spend time in jail to protest the injustice of segregation.
>
> Dr. Martin Luther King, Jr., who was arrested with us, hit the nail on the head when he said, "Segregation is a festering sore that debilitates the white as well as the Negro."
>
> Wednesday's arrest of 52 people destroyed the myth that Rich's is sympathetic to the Negro's cause. This is a serious indictment of Rich's management.
>
> Too long have we spent our money with establishments that segregate and humiliate us. . . .
>
> In my cell block, besides Dr. King and myself, there are the following: William E. Brodie, Melvin McCaw, [and] Earl P. Mills, Atlanta University; Grady Butler [and] Albert Dunn, I.T.C.; Johnny Bullock, Harold Middlebrook, [and] Benjamin Montgomery, Morehouse; Bernard Lee and Clarence Seniors, Morris Brown.
>
> These students and Dr. King wanted me to express to you their best and the hope that their activities will stir your conscience and make you want to fight to make democracy a reality.
>
> We know we are right because we're on God's side.[85]

Lonnie King and Otis Moss also sent a telegram to NAACP executive secretary Roy Wilkins, strongly urging him and his office to support the students in their battle.[86] In response, Wilkins initiated NAACP legal efforts to gain the release of Martin Luther King Jr. and the students while also mobilizing NAACP branches around the country to exert political and economic pressure on Atlanta officials and businesses. In a memorandum to NAACP branch offices across the nation, Wilkins urged them to send a protest telegram to Atlanta's Mayor Hartsfield, asking him to drop the prosecution of MLK and the students and to appoint a biracial commission of Atlanta citizens to develop a plan to open lunch counter service to all citizens regardless of race.

Appealing to Hartsfield's commitment to presenting Atlanta as a business-friendly city and to his moderate record in supporting desegregation efforts, Wilkins asked branch offices to tell Hartsfield that Atlanta would be "disgraced in history as the city which sent college students to prison work gangs for peacefully seeking their rights as human beings." He advised, "Your telegram to him should be strong, but drawn in such a way as to enlist the help of an official who is not completely hostile to our aspirations."[87]

In addition to the NAACP's shrewd political campaign to enlist Hartsfield's support, Wilkins pledged NAACP legal support to Hollowell's firm as well. During an October 26, 1960, press conference, Wilkins reported that the NAACP had assured the SCLC, as well as Hollowell and Ward, that it would provide both moral support and financial assistance to obtain Martin Luther King Jr.'s release from jail. Moreover, he declared confidently, "Reverend King now has one of the leading law firms of Atlanta [Hollowell's firm] as his counsel, and since they have been active in numerous NAACP cases in the past, he has what we consider good legal defense."[88]

While Wilkins strongly supported efforts to secure the release of Martin Luther King Jr. and the Atlanta students who took part in the sit-in, he had reservations about some forms of direct action. He stressed the limitations of mass, direct action and believed that the tactic "was effective only for certain kinds of local problems and could not be applied safely on a national scale."[89] Some civil rights advocates, including Wilkins, feared that proponents of direct action would actually slow the process of social change "by needlessly provoking a white backlash and squandering the movement's financial and legal resources."[90]

The opposition to some forms of direct action voiced by Wilkins and other NAACP leaders clashed at times with MLK's insistence on mass action and his criticism of a purely legal approach to social change, engender-

ing conflicts and rivalries between MLK and Wilkins as well as between the NAACP and the SCLC. Wilkins was also troubled by the possibility that the developing SCLC might weaken NAACP branches in the South; he therefore discouraged NAACP branch leaders from supporting the SCLC and "its young leader" [MLK] with their time and resources.[91]

Notwithstanding the well-documented conflicts and ideological and tactical differences between Martin Luther King Jr. and Wilkins in other areas, the correspondence between them related to MLK's arrest in Atlanta reveals a persistent effort by Wilkins to secure MLK's release. Not only did Wilkins declare his support of MLK from his New York office, but he also traveled to Atlanta to confer with Hollowell on strategies for securing MLK's release. Moreover, as pressure from the black community, including NAACP members, mounted, NAACP leaders were forced to transcend the organization's limited legalistic approach to support direct action.[92] Thus both sides were driven to put aside tactical and ideological differences in the wake of MLK's incarceration and the black community's demand for action.

The arrests—especially Martin Luther King's—escalated the threat of more protests. Anxious to avoid the violence that was becoming the hallmark of such protests across the South, Atlanta city officials, led by Mayor Hartsfield, began negotiations with Hollowell and civil rights groups including community activists from the Committee on the Appeal for Human Rights, SNCC, the NAACP, and the SCLC. On October 22 Hartsfield met with sixty black representatives of these organizations and afterward released a press statement that an agreement had been reached: demonstrations would be suspended for thirty days, and all jailed protesters would be released.

After four days of further heated talks between Hartsfield and city officials and civil rights leaders, the charges were dropped and Hartsfield ordered the immediate release of the students held in the Atlanta city jail. Hartsfield also influenced Richard Rich and state officials to agree to drop charges and release Martin Luther King Jr. and the student protesters detained in the Fulton County jail. By October 23 all of the jailed protesters had been released—all, that is, except Martin Luther King Jr.[93] Police held him for violating probation, part of his sentence from neighboring DeKalb County for a minor traffic offense that occurred in May 1960. MLK had pled guilty to a charge of operating a motor vehicle without a valid driver's license, because he had failed to obtain a Georgia license within ninety days of his move from Alabama to Georgia.[94] On September 23, 1960, Judge Oscar Mitchell of the DeKalb Civil and Criminal Court "entered a sentence order-

ing the defendant [Martin Luther King Jr.] to pay a $25.00 fine and to serve twelve months on the public works camp."[95] One condition of the suspended sentence and probation was that MLK not violate the law in any respect.[96] Mitchell now ordered MLK to show cause why the twelve-month sentence should not be served.

By this time Hollowell and Ward had signed on as Martin Luther King Jr.'s attorneys. Hollowell quickly filed an appeal of MLK's September license conviction, contending that the court was required to release MLK on bond while the probation issue was appealed. At a hearing on October 25, Hollowell represented MLK before Judge Mitchell in a crowded DeKalb County criminal courtroom packed with more than two hundred MLK supporters, including Roy Wilkins and four presidents from the AUC. Hollowell put these four members of Atlanta's black elite on the stand to testify to MLK's good character, and at Hollowell's behest, MLK also took the stand in his own defense.

Hollowell argued that the probated sentence exceeded the six-month maximum sentence provided by law and that the sentence was "harsh, cruel, and excessive."[97] Citing the statute that forbade more than a six-month sentence for the offense, Hollowell asked the court for dismissal:

> The statutes expressly and particularly limit the amount of imprisonment sentence which can be issued or imposed by the court, that the maximum sentence shall not exceed six months to work on the chain gang or public road and I submit to Your Honor that in his Order of the 23rd of September, Your Honor sentenced the defendant to 12 months on the Public Work Camp and that inasmuch as the sentence of the Court exceeds that which the statute provided, then that sentence is a nullity, and if said sentence is a nullity, then this particular hearing, Your Honor, which is based upon that sentence, would be dismissed because there is nothing upon which to base it, Sir.[98]

Despite Hollowell's appeal and the good character testimony on Martin Luther King Jr.'s behalf, Judge Mitchell pounded his gavel and swiftly revoked King's probation, sentenced him to four months of hard labor, ordered him to be taken to the county jail, and ruled that he could be transferred to a state prison work camp to begin serving his term.[99] Citing a lack of precedent for the harsh treatment of MLK, Hollowell argued:

> We submit Your Honor that the judgment which we are asking Your Honor to vacate, in all legal fairness, and in all conscionable fairness, we would sub-

> mit that it should be vacated and this man ought to be at liberty. I don't think the Solicitor could bring me in one case . . . which shows that there has ever in the history of the State of Georgia, from the time of its inception, been an individual who was sentenced to serve four months on the public works for failing to have a driver's license.[100]

Failing in his appeal to Judge Mitchell to vacate the judgment, Hollowell leapt to his feet to again petition for MLK's release on bond pending appeal of the charges, but Mitchell denied the motion and ordered the deputies to return MLK to jail.[101]

After the proceedings, Hollowell and Ward hurriedly prepared a writ of habeas corpus to present to Mitchell for Martin Luther King Jr.'s release. The following morning when Hollowell arrived at the DeKalb County courthouse to present the writ, he discovered that MLK was no longer in the DeKalb jail. Under cover of night, DeKalb officials had whisked MLK off to the maximum security prison in Reidsville.[102] Louise Hollowell recounted her husband's encounter with the sheriff at the jail:

> When [Hollowell] got there he said, "I came to get King out this morning" or something like that—to that effect. And [the sheriff] said, "Well, he ain't here." And he said, "What do you mean he ain't here?" He said, "Well, they took him away this morning sometime." I don't know if they gave him the exact hour, but Don got the idea it was two or three o'clock in the morning and they carried him down to the state prison. And the sheriff said, "That's where he is and you can't get him." Well, Mr. Hollowell didn't like that.[103]

Frustrated that he could not present the writ and outraged that his client had been hauled off to a maximum security prison in the middle of the night, Hollowell quickly filed legal action to obtain MLK's release from Reidsville. Martin Luther King Sr., concerned about his son's safety, peremptorily involved Morris Abram, a prominent white attorney, in the case. Undoubtedly, irrespective of Hollowell's legal skills and track record, Reverend King Sr. reasoned that a white attorney would have more influence with the virtually all-white criminal justice system. Notwithstanding King Sr.'s right to seek help for his son and the realities of juxtaposing black attorneys with the white criminal justice system, it must have been a blow to Hollowell that Abram was brought into the case without his knowledge or consent.

Despite the emotions he may have had about Abram's involvement in the case, Hollowell collaborated with Abram to try to effect MLK's release.[104]

During a press conference shortly after he learned that MLK had been transferred, Hollowell discussed the legal efforts to secure his release:

> You have asked me what other plans do we have in connection with Martin Luther King's release. Of course, this would depend on whether the court grants our motion to vacate the order of yesterday. We would sincerely hope he would grant that order and release Reverend King. If the courts refuse to release him, we would take other steps to appeal or to effect a release of Reverend King from Reidsville State Prison.
>
> Relative to what my reaction was as to the information I received learning that Reverend King had been taken to Reidsville prison, I would say that I indicated to authorities on last evening that we were desirous of having Reverend King at this hearing. However, they informed me that they had already transmitted the papers yesterday afternoon to the Board of Corrections and that it was in their purview to move him when they desired. We know that as a matter of normal practice it is several days before a prisoner is moved. However, we prepared a writ of habeas corpus, which we planned to submit this morning at eight o'clock. However, when we called at eight o'clock for the purpose of ascertaining the whereabouts of the sheriff for making service, we were informed that Reverend King had been taken down to Reidsville at 4:05 a.m.[105]

Andrew Young expressed the fears that reflected the imminent danger MLK faced and remembered King's own reflections on the event:

> That was the worst night of Martin Luther King's life. They took him from the DeKalb County jail, put him in leg irons and handcuffs, and laid him on the floor in the back of a paddy wagon with nobody back there but a German Shepherd. And they drove him from Atlanta to Reidsville, that's three hundred miles, there were no expressways then, three hundred miles on bad Georgia roads. He never talked about the incident that much but mentioned how that was the worst night of his life. Fortunately, he loved dogs and was not afraid of the police dog. But that night was hell on earth, and Don Hollowell went down there to Reidsville to get him out. . . . Going to Reidsville today is no picnic. It's out in the middle of nowhere where they still don't know there's been a civil rights movement. I'm glad I never had to be tested that way.[106]

Martin Luther King Jr.'s imprisonment sparked a national outcry, and calls flooded into MLK's home in Atlanta and the prison in Reidsville. One

of them was from presidential candidate and United States senator John F. Kennedy. On the eve of the election, Kennedy seized the opportunity to reach out to black voters by telephoning Coretta Scott King to express his concern about her husband's incarceration.[107] Ironically, Georgia's segregationist governor Ernest Vandiver—the same governor who had opposed Holmes's and Hunter's admission to the University of Georgia—worked behind the scenes with Kennedy and his brother Robert and ultimately played a role in obtaining MLK's release.

In an interview with the author, Vandiver recalled Kennedy's request for his intervention to help secure MLK's release:

> I got a call from then-Senator John Kennedy. This was during the campaign. He said, "A judge down in Georgia has incarcerated Martin Luther King. Is there anything that you can do to help get him out? Because it will be helpful to my career." You may or may not know that Daddy King was supporting Nixon at that time. . . . So I called my brother-in-law and a close friend of mine who had been secretary of state when I was lieutenant governor. His name was George Stewart. George Stewart went out and talked with Judge Mitchell. Judge Mitchell agreed, and I do not know what George told the man. He might have told him that he would get him appointed federal judge or something. Anyway, he agreed that if either Senator Kennedy or Bobby Kennedy would call him personally and ask him to release Dr. King, that he would release him. I called Bobby Kennedy and relayed the message that George Stewart had brought back to me. Bobby Kennedy called Judge Mitchell, and Martin Luther King was released from jail.[108]

Many scholars contend that Senator Kennedy's phone call to Coretta Scott King helped galvanize the black electorate, paving the way for Kennedy's election in a very close race. Daddy King (Martin Luther King Jr.'s father) announced to an enthusiastic audience at Ebenezer Baptist Church in Atlanta after his son's release that he was switching his vote and support to Senator Kennedy because of the Democratic candidate's interest in his son's case. Reverend King Sr. had opposed Kennedy because he was a Roman Catholic until Kennedy telephoned his daughter-in-law to express sympathy. Daddy King said to the crowd of some eight hundred persons, "It took courage to call my daughter-in-law at a time like this. He has the moral courage to stand up for what he knows is right. I've got all my votes and I've got a suitcase, and I'm going to take them up there and dump them in his lap."[109]

Martin Luther King Jr. himself also maintained that black voters were a crucial factor in Senator Kennedy's successful bid for the White House. In a December 30, 1960, speech in Chattanooga, Tennessee, MLK challenged the president-elect to remember his many African American supporters, who had switched their allegiance from the party of President Lincoln: "It is pretty conclusive now that the Negro played a decisive role in electing the President of the United States, and maybe for the first time we can see the power of the ballot and what the ballot can do. . . . Now we must remind Mr. Kennedy that we helped him to get in the White House. We must remind Mr. Kennedy that we are expecting him to use the whole weight of his office to remove the ugly weight of segregation from the shoulders of our nation."[110]

Even as this high-level, behind-the-scenes political maneuvering was taking place, Hollowell was addressing the legal demands of the case, traveling across the state to perform the legal work necessary to secure MLK's release. As SNCC leader John Lewis remembered, "They were using what they had, every legal apparatus they had to try to make their point that Martin Luther King should not be in prison in the first place, and he shouldn't be in Reidsville."[111] On October 28, Hollowell argued yet again before Judge Mitchell for MLK's release on bond while the original traffic charge was appealed. "Hollowell had marshaled his precedents carefully," and this time Mitchell decided in his favor, ruling that MLK should be released on a two-thousand-dollar bond pending final judgment.[112] Hollowell had the bond posted and immediately chartered a plane to Reidsville to pick up his client, eight days after police had jailed him in Atlanta.[113]

Howard Moore summed up these events:

> Whether or not John F. Kennedy called, or Governor Vandiver was working in the background, or whatever else happened, Dr. King would not have been released unless there was some legal action taken to release him. And the legal action that was taken to release him was the habeas corpus petition that Horace Ward and Don Hollowell prepared and fought. It was Horace Ward and Don Hollowell who were driving up and down the roadways of Georgia, going back and forth from Atlanta to Reidsville, which is about three hundred and some miles from Atlanta. It was Don Hollowell and Horace Ward who were working around the clock to get Dr. King freed and litigating the habeas corpus petition in the Reidsville City Court.[114]

Moore noted that this was one of the few times he observed Hollowell disquieted or angered. He remembered that Hollowell was troubled that

his intensive legal work to gain MLK's release had been ignored.[115] Although Hollowell was upset, characteristically he did not seek recognition for gaining MLK's release and shared his concern only with his close associates. Thurgood Marshall was also frustrated by the snub. In a telephone call to Hollowell after MLK's release, Marshall remarked, "Well Don, I see that everybody except the lawyers is responsible for getting King out of jail."[116]

Marshall's concern undoubtedly arose from the extensive legal and financial support that the LDF provided Hollowell to defend Martin Luther King Jr. and the student protesters. In a November 3, 1960, letter to MLK, Hollowell notified him, "Mr. Thurgood Marshall, Director-counsel, NAACP Legal Defense and Educational Fund, Inc. has authorized me to inform you that said organization has agreed to accept full legal and financial responsibility in your recent cases, namely, your arrest for participating in the sit-in demonstration at Rich's, Inc. on October 19, 1960; the revocation of the sentence of September 23, 1960 involving your driving without a proper Georgia License Tag."[117] Making good on Marshall's promise, less than two weeks later Alice B. Stovall, Marshall's secretary, sent Hollowell a $2,750.00 check for the Atlanta sit-in cases, including the cases of MLK.[118] Marshall had also invited Hollowell to a conference of lawyers at Howard University, as he noted, "to form a clear idea of what rights the protesters have and the best manner we lawyers can defend these rights."[119]

Following Martin Luther King Jr.'s release, Hollowell and Ward appealed Judge Mitchell's order revoking MLK's probation to the Court of Appeals of Georgia. They successfully argued that the imprisonment feature—twelve months hard labor—of Mitchell's order was excessive and illegal and therefore could not be the basis for a subsequent order of revocation.[120] Most scholars who have chronicled the events surrounding MLK's arrest and subsequent Reidsville imprisonment have failed to record Hollowell's central role in MLK's release. Taylor Branch, in his seminal work *Parting the Waters*, is one of the few scholars who takes note of Hollowell's contributions to King's release.

In addition to Hollowell's legal actions, dating back to his activist role as membership chairman for the Atlanta NAACP and his alliance with community activists to initiate the *Holmes v. Danner* case, Hollowell increasingly became involved in social activism while concomitantly seeking legal redress. During his litigation to secure MLK's release from the Reidsville prison, he also helped to rally community activists to support the cause. Tellingly, the day before Hollowell chartered a plane to the Reidsville prison to pick up his client, the *Atlanta Inquirer* reported, "The dean of Atlanta's Negro lawyers

and freedom fighters [Hollowell] had intimated during a mass meeting at Mt. Zion Baptist Church, Rev. E. R. Searcy, Pastor, that he would not be surprised if the young man [Dr. King] who had been led from the courtroom in handcuffs might not be free by the following day."[121]

While I found no record of any communication from Martin Luther King Jr. thanking Hollowell for his service, the record of extensive court pleadings filed by Hollowell to secure his release irrefutably documents Hollowell's contributions. I did locate a letter from MLK thanking NAACP executive secretary Wilkins for his help during his imprisonment, which amounts to an indirect appreciation of Hollowell's efforts. With characteristic eloquence and humility, MLK wrote:

> There is a word in Catholic theology known as supererogation, which means in substance "more than justice requires." Certainly, your words and deeds during my period of incarceration were acts of supererogation. You went beyond the call of duty and proved to be a real friend. Words are really inadequate to express my real appreciation. The only way that I can in some little way pay you back for these noble deeds is to delve deeper into the struggle for freedom and human dignity. You must know that your unswerving support and true friendship are of inestimable value for continuance of my humble efforts.[122]

The arrests of Martin Luther King Jr. and other freedom fighters would keep civil rights attorneys in and out of court throughout the 1960s. Hollowell and MLK themselves would cross paths again during the struggle in the Albany Movement, which is covered in chapter 6 of this book. Julian Bond, in reflecting on the two leaders, said:

> It would be interesting to watch a conversation between these two men. First, because Hollowell, as you know, is a very, very proper speaker. Hollowell speaks as if he were reading something written by someone in England—almost Elizabethan in his tone and manner. I don't think I've ever met a man of such formality. King, on the other hand, while he of course spoke very, very well—probably the premier orator of our time—was a bit more informal. And I would love to have been a fly on the wall in a conversation between these two men about the events of the day or even some private kinds of things. I imagine it would have been fascinating.[123]

Notwithstanding Hollowell's gentlemanliness (or even, as Bond suggests, aristocratic elegance), he often faced in the courtroom the same kind of

blatant racism that occurred in the general environment of the Deep South. John Ruffin, who practiced civil rights law in Georgia during the 1960s, commented on an instance illustrating Hollowell's cool head and uncommon courage under fire:

> The trial judge listened very attentively to the lawyers who represented the state of Georgia. When Donald Hollowell got up to speak, to argue . . . the trial judge spun around and turned his back on Hollowell. I have never forgotten that, and Hollowell handled it with such grace, such dignity, and such ease, until it was an embarrassment to the bar on the part of the judge, not Hollowell.[124]

Despite Hollowell's legal victory in winning MLK's release from prison, the Atlanta sit-ins continued for several months, and Hollowell remained lead counsel in the battle to defend the protesters. During this period, the Student Adult Liaison Committee (SALC), a community-wide committee comprised of representatives of established black civic organizations, worked closely with the COAHR to broker an agreement with city officials and merchants to end segregation in Atlanta. Rev. William Borders, Atlanta's prominent black pastor of Wheat Street Baptist Church and a civil rights activist, was elected chair of SALC, and Jesse Hill chaired the joint negotiation committee.[125]

The development of SALC stemmed from disagreement in the black community over the student movement's tactics. In an effort to show support for the student movement and emphasize unity, SALC issued the following statement, signed by officers of all the community-wide voluntary black civic organizations: "We take this opportunity to commend the students for their courage and for the pattern of orderly, peaceful and non-violent behavior that has characterized all of their activities. We endorse the objectives stated in the students' 'Appeal for Human Rights,' and we also endorse efforts of the student movement to secure increased employment opportunities for qualified Negroes."[126]

Although lingering opposition to some of the students' tactics continued and some adult leaders remained suspicious of the students, SALC and the COAHR worked together, albeit under some strain at times, to negotiate with city officials and white business leaders. The central issues for the city officials and business leaders were an end to the demonstrations and stalling any desegregation decision until after a report of the Sibley Commission, a commission set up by Governor Vandiver to investigate statewide public

opinion on school desegregation.[127] In contrast, the COAHR and SALC demanded "equality and justice in a spirit of human dignity," including the immediate dismantling of segregation in businesses and employment opportunities on all levels for black citizens.[128]

It was an arduous and protracted process replete with charges and countercharges by the opposing groups. In December 1960, after officers of the Chamber of Commerce rejected a proposal from SALC and the COAHR for a joint conference between business leaders, SALC, the COAHR, Borders, and Lonnie King sent a telegram to the merchants and chamber officers to express their disappointment. Borders and King insisted that desegregation in businesses and better employment opportunities for blacks should not be contingent on Atlanta's school desegregation. Expressing their disillusionment, the telegram stated:

> We are frankly disappointed at the failure of responsible community trade agencies, the Chamber of Commerce and the Merchants Association, to understand the aspirations of Negro citizens. Courageous and dedicated students project these hopes by arousing the consciousness of the citizenry to discrimination in public facilities and employment.
>
> Merchants who open their business to the public gain from our trade, yet withhold some of their services from us and limit employment, then use trespass laws enforced only against Negroes, are acting unjustly as well as illegally. Through demonstrations which present our cause in a loving spirit, we seek understanding. . . .
>
> Certainly the school issue concerns us as deeply as any group. But this is no suggestion that it is the same problem, or that Atlanta cannot solve the present, pressing problem without using the public schools as a testing ground.[129]

On February 1, 1960, the one-year anniversary of the Greensboro sit-ins, frustrated with the lack of progress in desegregating establishments, more than fifteen hundred Atlanta University students left their campuses to participate in a picket line. Lonnie King vowed that Atlanta students would "picket just as long as Negroes [were] refused service in one area of stores when their money [was] accepted in other areas."[130] After several months of such protests, mass meetings, marches, boycotts, jailings of and refusal of bail for detainees, and disputes, on March 6, 1961, the Negro Negotiation Committee negotiated a settlement of the year-long controversy over the desegregation of the downtown lunch counters with the Atlanta Chamber of Commerce.

Robert Troutman Sr., who was the lawyer for Richard Rich, and Ivan Allen Jr., the president of the Atlanta Chamber of Commerce, concerned with the negative national publicity harming the city's reputation and the financial losses to businesses, met with white business leaders and reached a consensus: "Go ahead and work something out. Get us off the hook, even if it means desegregating the stores."[131] The negotiation committee included A. T. Walden; Rufus Clement; Harry Boyte, president of the Greater Atlanta Council of Human Relations; John Calhoun; Jesse Hill; and several other prominent Atlantans. The black leaders summoned Lonnie King and Herschelle Sullivan to the March 6 meeting. Despite King's desire to consult with other student activists before deciding whether to attend the meeting, Jesse Hill convinced him to attend without conferring with his colleagues.

The settlement included an agreement to end the boycott and withdraw legal cases against the demonstrators and an understanding that the desegregation of the lunch counters depended on the desegregation of the public schools in fall 1961.[132] As Lonnie King voiced his dissatisfaction with the agreement at one point during the meeting, the towering Daddy King admonished him, "Boy, I'm tired of you! This is the best agreement that we can get out of this."[133] Lonnie King recalled that John Calhoun, speaking passionately in favor of the agreement, had told him that he was sixty years old and a few months was not too long to wait. Lonnie King and Sullivan buckled under to the adult leaders' pressure and consented to the agreement, although King contended that his concurrence was subject to approval by the Committee on the Appeal for Human Rights. However, Daddy King, Walden, and other established black leaders had a long history of negotiating with whites for the betterment of black Atlanta without seeking approval from students. Despite the wave of student activism and the emergence of young activist leaders, in large measure the agreement was negotiated by the adult leaders, with Lonnie King and Sullivan as silent partners.

While white business leaders and the mainstream media hailed the agreement as a major victory for advocates of desegregation, the student activists were disappointed that it did not bring an end to segregated establishments. Some adults in the community were also dissatisfied with the agreement. Insurance agent Bernice Thomas remarked, "I don't feel that the school desegregation has anything to do with this. If the schools don't desegregate in the fall, this means that the students and the adults have been walking in the rain and cold for nothing." Postal worker Charles Reid complained that the agreement was a victory for segregationists. "It seems to me that the Adult

Liaison Committee has given every Ku Klux Klansman and every segregationist in every corner in Georgia a crowning victory."[134]

On March 8, at a stormy meeting of Atlanta students at the Rush Memorial Congregational Church, students expressed strong dissatisfaction with the agreement. Lonnie King and Sullivan, disappointed with their role in consenting to the agreement, resigned from their positions as chair and cochair of the COAHR. The students, however, refused to accept the resignations and reinstated King and Sullivan.[135] Two days later, on Friday evening, a mass meeting was held at Warren Memorial Methodist Church for the negotiation committee to defend the agreement. A crowd of two thousand predominantly young activists jammed the church, many irate that the agreement did not specify a precise date for desegregation and that the desegregation of lunch counters was held hostage to successful school desegregation, which had stalled in most southern cities since the *Brown* decision.

Moreover, the student leaders were incensed that the adult leaders had effectively negotiated the agreement without their input. Although Lonnie King and Sullivan had been present during the negotiations, the student activists correctly believed that the agreement had been forced on them and primarily blamed the adult leaders for what they viewed as a sellout. The crowd denounced the agreement, turned hostile, and berated speakers including Daddy King, Rev. Samuel Williams, and Jesse Hill. Martin Luther King Jr. stood at the back of the church and observed the crowd booing and humiliating his father. With tears in his eyes, he made his way to the pulpit. He eloquently and passionately appealed for calm and solidarity. He pleaded for unity and urged the crowd against what he called the surrender of a nobly struggling people to "the cancer of disunity."[136] He implored the crowd not to repudiate what its leaders had agreed to. The *New York Times* correspondent Claude Sitton concluded, "Only an impassioned speech by the Rev. Martin Luther King, Jr. saved the older men from an outright repudiation of their leadership."[137]

Lonnie King observed that this was probably Martin Luther King Jr.'s most powerful speech, and that it was only his words that kept the meeting from turning into a riot. Martin Luther King Jr., who had joined the demonstrators in jail and called the student sit-ins a "revolt against those Negroes in the middle class who have indulged themselves in big cars and ranch-style homes rather than in joining a movement for freedom," used his credibility with the students to defuse the tension.[138] When he left the pulpit, the crowd grew calm, and the agreement was saved. Undoubtedly the

students deferred to MLK because he had agreed to their requests to sit in, joined them in jail cells, and paid the heavy price of imprisonment in Georgia's maximum-security prison. MLK also fervently supported the students' direct-action campaign. In a December mass meeting at Atlanta's Wheat Street Baptist Church, he observed that he saw the movement as an indication that "segregation [was] dead as a door nail," stating, "The only thing uncertain about it is the date it will be buried. . . . The students have discovered a creative and powerful method of dealing with the segregation problem."[139]

Nonetheless, despite Martin Luther King Jr.'s success in calming the crowd, some students and adults remained bitter about the agreement; as Julian Bond explained, the students especially had lost faith in Atlanta's established black leaders.[140] Not surprisingly, the COAHR continued to push for blacks to boycott stores in downtown Atlanta. At a March 18 COAHR rally at Atlanta's Providence Baptist Church, student leaders, including Spelman student Ruby Doris Smith, who had recently been released from a South Carolina prison for a sit-in in Rock Hill, South Carolina, urged blacks to stay out of downtown stores.[141] Some student protesters, who were at times violently attacked, continued their pickets and boycotts through the summer of 1961, leading up to the August 30 admission of nine black children to four previously all-white public schools.[142]

The established leaders and civil rights organizations continued to play a vital role with young activists seeking to eliminate segregation and the laws and policies sustaining it. Interestingly, Daddy King and other established black leaders, whom young activists called "Uncle Toms," had secured bonds with their personal property to ensure students' release from jail, as Walden continued to fight for court action banning racial inequality.[143] And Jesse Hill, who had played a central role in the "sellout" agreement, organized the Atlanta Student Defense Fund and secured a substantial gift from the Empire Realty Board to support the student activists.[144] SNCC and the COAHR also relied on NAACP-affiliated lawyers such as Hollowell for legal defense and counsel.[145]

Although movement lawyers and demonstrators established what has been described as a "volatile alliance," young activists had lost trust in the organizations with which the lawyers were associated. At the same time, they needed the support and depended on the resources of entities such as the NAACP and the LDF for legal defense in their direct-action campaigns. Young activists found that they could not easily dispense with established civil rights organizations.[146]

Hollowell, working overtime as chief counsel representing the arrested students while working simultaneously on other civil rights matters, was not directly involved in negotiations with political figures. However, after he learned of the agreement, he expressed dissatisfaction with it and together with NAACP field secretary Amos O. Holmes, who also disapproved of the agreement, held discussions with the negotiation committee. According to Holmes's report to NAACP officials, while the discussions concluded that there was much to be praised in the compromise agreement, the following aspects of the agreement were considered deplorable:

> An agreement to discontinue the boycott without some definitive agreement to keep the lunch counters closed until progressively they were desegregated; No written agreement on the withdrawal of cases against sit-in demonstrators, nor immediate actions to nolle prosse the cases against the students; Failure of the Negotiation Committee to report back to the students and Adult-Liaison Committee before signing the agreement; and a news release by Mr. Ivan Allen, Jr., President of the Atlanta Chamber of Commerce, which Attorney A. T. Walden is reported to have approved, stating that the desegregation of the lunch counters depended upon the desegregation of the public schools sometime in the fall.[147]

In a startling move, given Walden's stature as a pioneering and venerable civil rights attorney, Holmes expressed to his NAACP superiors that he was seeking to "get the Negotiation Committee some more experienced leadership, urging among others that Mrs. Ruby Hurley [the NAACP's southeast director] be asked to serve with them, and that Attorney Hollowell review all decisions before they are accepted."[148]

Walden, a member of the old guard in Atlanta to whom whites often went when they sought to placate the black community, wielded immense power in Atlanta and had served his community well.[149] However, the student protesters and the NAACP leadership clearly preferred the more progressive Hollowell to negotiate their struggle to desegregate the lunch counters. While Hollowell and Walden vigorously defended activists in court, Hollowell gained their trust by working with them behind the scenes to help spur their direct-action campaigns. Hollowell's involvement in civil rights had been motivated in part by the SNYC direct-action campaign in which he was involved during his college years. Undoubtedly he recognized in the young activists the spirit of the SNYC that had redirected his life.[150]

A powerful speaker and towering intellectual, Hollowell often roused the crowds at mass meetings, joining them in chants and freedom songs. Yet even as Hollowell became a trusted ally and adviser, Walden was losing favor with the new generation of activists, often brokering compromises with the white power structure that the activists perceived as relegating the movement to gradualism. Some activists were convinced that Walden was too beholden to the white power structure to attack Jim Crow.

Nevertheless, although the retiring Walden commingled more with the white power structure than Hollowell and expressed skepticism about direct action out of concern for protestors' safety, Walden had paid his dues and more as an intrepid civil rights lawyer in Georgia for decades. Ironically, it was his long experience with the virulence of white racism and the risks to his own safety dating back to the early 1900s that guided Walden's more conservative approach to civil rights activism.[151] Martin Luther King Sr. observed, "Walden had fought the Klan as a young man in rural Georgia. Walden knew how hard-headed crackers could be, and how violent they could be on the subject of race." King Sr. claimed, "He knew how to fight on more than one level, toe-to-toe with enemies who forced him to that method, and also reasonably, with a knowledgeable use of the legal apparatus available to all Americans."[152]

Despite the track record established by Walden and like-minded civil rights leaders of his generation in fighting racial injustice, the new generation of activists viewed them as too conservative and behind the times.[153] Nonetheless, Hollowell recognized Walden's powerful contributions as Georgia's pioneering civil rights lawyer. In an interview, Hollowell acknowledged that he downplayed his role as Georgia's chief civil rights lawyer in deference to his mentor.[154] Despite his modesty and his desire not to offend Walden, however, by 1961—after his role as lead counsel for protesters in the Atlanta student sit-ins and his historic legal victories—NAACP officials, and especially the forward-thinking youth, extolled him as Georgia's chief civil rights lawyer, dubbing him "the leading civil rights lawyer in the South" and "Mr. Civil Rights."[155]

Frank Smith observed that despite Hollowell's membership in the bar and close ties to Atlanta's traditional black leaders, who preferred a more moderate path to social change than the direct-action campaigns of the student demonstrators, he supported the student protests and even served as an intermediary between the students and Atlanta's old-guard black leaders.

> Hollowell was more than just somebody who was in court as a litigator. . . . He was part of the movement too. He was a bridge between us and the traditional African American leadership in Atlanta. He deserves a lot of credit for his role. He saw the limitations of the establishment in Atlanta and knew that that style of compromise was going to prolong the suffering of African Americans for a long time. He saw us as people who were capable of bringing about social change. . . . He appreciated the courage of people standing up.[156]

Lonnie King noted that although Hollowell had close ties with old-guard black leaders such as Walden, he was not a member of that group. King recounted that Hollowell had more in common with a group of middle-aged black activists including Rev. Samuel Williams, Carl Holman, Jesse Hill, and Clint Warner, who supported the student demonstrations. King remarked: "I don't think [Hollowell] would ever lead a picket line. That just wasn't his thing. But I would say that by the time he was thoroughly educated to the fact that this was a system that had to be broken down by legal as well as extralegal means, basically following a higher moral law, I think he was on board."[157]

As Tomiko Brown-Nagin notes in *Courage to Dissent*, as "a transitional figure and a bridge-builder," Hollowell would "become the students' trusted ally."[158] For the student activists, he personified their aspirations and stood as an authentic representative of their cause.

Not surprisingly, then, as Albany, Georgia, became the next major battleground for the civil rights movement in Georgia, NAACP, SNCC, and SCLC leaders selected Hollowell as the chief counsel to represent protesters in the historic Albany Movement. As described in the following chapter, he ably represented hundreds of demonstrators in the Albany Movement and led legal efforts that resulted in an important precedent protecting the constitutional rights of protesters.

# Freedom in the Air
## The Albany Movement

Despite Hollowell's civil rights victories, some recalcitrant whites, bent on maintaining the Jim Crow social order, would require Hollowell and his comrades to fight legal battles county by county, school by school, public facility by public facility. Emboldened by civil rights courtroom victories but fed up with the glacial pace of change, both black and white youth sought more direct action. A more militant generation of activists emerged and "committed themselves to undertaking more direct assaults on the Jim Crow regime."[1] Young Freedom Riders took to buses all over the South to challenge the segregation of buses and terminals, while others set their sights on the crucial goal of voter registration.

On February 1, 1961, the first anniversary of the Greensboro sit-in, activists across the South engaged in renewed direct-action campaigns against racial injustice. Civil rights organizations such as SNCC and CORE staged protests in major cities and small towns. One notable challenge to the Jim Crow social order occurred in Rock Hill, South Carolina. Led by CORE leader Tom Gaither, ten activists in Rock Hill staged a sit-in at a McCrory's lunch counter. Following their swift arrest by Rock Hill law enforcement officials, nine protesters opted for thirty days in jail instead of bail, the civil rights movement's first widely publicized jail-in.

Determined to build on the courage of the group that became known as the "Rock Hill Nine," Gaither telephoned SNCC leaders in Atlanta and pleaded for their help to expand the Rock Hill jail-in.[2] The next day SNCC activists Charles Jones, Diane Nash, Ruby Doris Smith, and Charles Sherrod ventured to Rock Hill. During a protest at the Good Drug store, they were also swiftly arrested and sentenced to thirty days in jail.[3] Displaying the same courage shown by the original nine protesters, Jones, Nash, Smith, and Sherrod also refused bail. Determined to sustain segregation and discourage further protests, the local magistrate sentenced the thirteen protesters to thirty days of hard labor on a chain gang.

Sherrod recalled how singing freedom songs gave him and his cellmates the strength to endure the injustice:

> (Singing) Oh Freedom, Oh Freedom. (Speaking) Those songs gave us the spirit to keep on going. So we're singing and praying and here comes the chief. "I won't have no damn singing and no damn praying in my jail." What are they going to do? We're already in jail. So he puts us in the hole. The hole was a little small place with two beds in it. But there were thirteen of us. So they put thirteen of us in this small place and fed us bread and water. So we are in there singing! (Singing) I ain't gonna let nobody turn me around, turn me around. Oh Lord. Turn me around. (Speaking) We're singing and praying. That's what helped us in the hole. They put us back in the compound with everyone else, and the first thing we did was sing. (Singing) I ain't gonna let nobody turn me around, turn me around. (Speaking) And they put us back in the hole. Three more days on bread and water. They were trying to break our spirits. But we kept our spirits through the songs we sang.[4]

Freedom songs were a vital part of civil rights protests and demonstrations. Singing together stirred emotions and strengthened bonds among civil rights demonstrators, engendering an even greater resolve in their fight for justice. Hollowell, who often joined in the singing at mass meetings in various cities, remembered, "The songs and hymns like 'Over My Head I See Freedom in the Air' that had helped to bring people through slavery now were bonding them to each other and to the struggle. They stimulated and renewed a commitment to keep the faith."[5]

Martin Luther King Jr. observes in *Why We Can't Wait*: "I have stood in a meeting with hundreds of youngsters and joined in while they sang 'Ain't Gonna Let Nobody Turn Me 'Round.' . . . A few minutes later, I have seen those same youngsters refuse to turn around from the onrush of a police

dog, refuse to turn around before a pugnacious Bull Connor in command of men armed with power hoses. These songs bind us together, give us courage together, and help us to march together."[6]

The freedom songs helped the Rock Hill inmates band together, endure the harsh conditions of their incarceration, and persevere in the struggle. Although their protests, subsequent jailing, and "jail-no-bail" policy did not bring an end to Jim Crow in Rock Hill, Sherrod recounted that the jail-in experience helped them to "grow up" and prepared them for future protests and jail-ins. For Sherrod and Charles Jones, the lessons learned in Rock Hill would be useful as they emerged as leaders among the "shock troops" of SNCC and the SCLC who converged on Albany, Georgia, in the fall of 1961.[7] In Albany, as in Rock Hill, they embarked on a direct-action campaign to challenge racial discrimination and segregation.

Albany was at the time a moderately sized and thoroughly segregated city of about sixty thousand people, with blacks comprising approximately 40 percent of the population. It was the home of Turner Air Force Base and Albany State College, one of Georgia's three public historically black colleges. Unlike surrounding rural towns in Southwest Georgia, in addition to blacks who worked as housekeepers, cooks, and other manual laborers, Albany was home to a diverse group of black professionals that included military personnel, college professors, doctors, nurses, entrepreneurs, and Chevene Bowers (C. B.) King, the only black lawyer in Southwest Georgia. King was a member of the well-educated and socially progressive family headed by Clennon W. King, a staunch civil rights activist and prominent businessman, and Margaret Slater, both graduates of Booker T. Washington's Tuskegee Institute. Like Washington, Clennon King espoused education and economic development for blacks. Following his parents' example and initiative, C. B. King had graduated from Fisk University and the Case Western Reserve University School of Law.

C. B. King met Hollowell by chance in 1949, while both men were traveling on a Jim Crow train car from Albany to Nashville. King was returning to Fisk, and Hollowell was on his way back to Loyola law school in Chicago after a Christmas visit with Louise in Atlanta. King learned that Hollowell attended Loyola and told Hollowell of his interest in a law career; the men discussed their shared passion for using the law as a tool to help bring about social justice. Like Hollowell, King later completed law school and started a law practice in Georgia focused primarily on civil rights. The next time the two met was when Hollowell traveled to Albany in 1954 to assist King on a

voting rights case. Through their combined legal acumen and hard work, they prevailed in judicially forcing the desegregation of polling places in Albany. Over the next two decades, they would establish a brotherly relationship and partner in many civil rights battles in rural Georgia.[8]

C. B. King was an anomaly of epic proportions; he regularly took civil rights cases or defended black clients in the racially oppressive southwestern region of the state at great risk to his personal safety. His brilliance was matched by his raw nerve in taking on blatantly racist officials known for their brutality against blacks. Blacks in the area regarded him as their only hope for some measure of justice, while whites did not know quite what to make of this bold and articulate African American who, with his superior legal skills, regularly outmatched his white opponents.[9]

In addition to C.B., three of his brothers distinguished themselves as brilliant and courageous civil rights activists: Clennon Jr., Slater, and Preston. Clennon became the first African American to run for president of the United States in 1960 and the first African American to seek admission to the University of Mississippi (Ole Miss).[10] Slater, a successful businessman like his father, helped launch the historic Albany Movement.[11]

Preston King achieved international stature in his protest against unfair treatment by the local draft board that resulted in his federal indictment as a draft dodger; his defense was led by Hollowell and C. B. King. Preston contended that the all-white draft board acted in a discriminatory manner by addressing him in official communications as "Preston" instead of "Mr. King" after his race became known. In a letter to NAACP counsel Robert Carter, Preston said, "I was not objecting to the mere use of my Christian name in itself, but to the obvious and profound sense of discourtesy which underlay it. . . . If the only means of avoiding prosecution open to me lies, in effect, in withdrawing the protest which I initially made, then I certainly do not see how I can avoid being prosecuted."[12] King insisted that he would not serve in an army "when even the form of induction is meant to imply that the country" he served was not his own, "that there [he was] not a man among men." He affirmed, "Only cowardice would reverse the position; and, unhappily, I'm not a coward."[13]

Preston King's refusal to comply with the draft board resulted in an indictment by the United States Justice Department. Federal judge William Bootle presided over the case in April 1961, shortly after Hollowell's success before Bootle in the UGA desegregation case. Preston King was convicted in the case but avoided jail after his prosecution by fleeing to England. He lived in

exile—in England and elsewhere—for more than forty years. Preston ultimately won a full presidential pardon from President Bill Clinton in 2000.[14]

Despite the presence of civil rights stalwarts such as C.B., Clennon Jr., Slater, and Preston King, and notwithstanding Hollowell and C. B. King's victory in the Albany voting rights case, the southwest region of Georgia was one of the most notoriously racist parts of the state, well known for its violence against blacks.[15] Perhaps the most disreputable in terms of its inhumane treatment of blacks was Baker County, also known as Bad Baker County, located a few miles from Albany. Southwest Georgia native Herbert Phipps, now a Georgia Court of Appeals judge, recalled barbaric examples of racial violence in Baker County perpetrated by law enforcement officials. Phipps noted an especially atrocious lynching of a black man at the Baker County courthouse by Sheriff Claude Screws in 1945.[16]

Sheriff Screws, aided by a policeman and a special deputy, arrested Robert Hall, a black citizen of Baker County, at his home in the middle of the night on a warrant charging him with stealing a tire. Hall was handcuffed and taken by car to the courthouse, where he allegedly reached for a gun and tried to escape. Screws and his accomplices knocked the *handcuffed* Hall to the ground and beat him with their fists and a solid-bar black jack about eight inches long and weighing two pounds. They continued to savagely beat him for fifteen to thirty minutes, then dragged him feet first through the courthouse yard and into the jail, where they threw the dying man onto the floor.[17]

True to the custom and mores of the time, no state or local charges were filed against Screws. However, the crime at least led to a federal indictment charging that Screws had willfully caused Hall to be deprived of his Fourteenth Amendment rights. Surprisingly, in federal court Screws was found guilty of the egregious act, which deprived Hall not only of due process but also of his life. The Circuit Court of Appeals upheld the conviction, but in a shocking U.S. Supreme Court reversal, the court ruled that although the jurors found that Screws and his deputies willfully beat Hall to death, in order to convict, "it was necessary for them to find that petitioners had the purpose to deprive the prisoner of a constitutional right."[18] The court's interpretation meant, for example, that Screws would be liable only if it was proven that the reason Screws beat Hall to death was to "make sure that no trial ever occurred."[19]

This discouraging Supreme Court precedent was reminiscent of the pre–Civil War *Dred Scott* case, which declared that blacks had no rights that

whites were bound to respect. In a scathing dissenting opinion, Justice Frank Murphy penned that Hall was "entitled to all the respect and fair treatment that befits the dignity of man, a dignity that is recognized and guaranteed by the Constitution. Yet not even the semblance of due process [had] been accorded him. He [had] been cruelly and unjustifiably beaten to death by local police officers."[20] As Taylor Branch writes, henceforth it would appear that "federal prosecutors in such cases had to prove that the defendants were thinking about constitutional violations while they committed heinous, primordial crimes."[21]

Taking a page from Screws's police brutality playbook, his successor, Warren "Gator" Johnson, continued his predecessor's brand of violence toward blacks in Baker County. On July 4, 1961, according to FBI reports, Johnson savagely beat Charlie Ware, a black field hand who had flirted with a black mistress of the white overseer of Coca-Cola magnate Robert Woodruff's Baker County plantation.[22] After Johnson handcuffed Ware, Ware allegedly committed the customary act of handcuffed, imprisoned African Americans in Baker County and tried to escape. Johnson then shot him four times. Predictably, instead of a police brutality charge, Ware was charged with assaulting the sheriff. Miraculously, Ware survived the shooting, and contrary to the custom for blacks in such racially oppressive environments, he pled not guilty. Hollowell joined his comrade C. B. King and ventured into "Bad" Baker County in defense of Ware.[23]

On July 22, 1961, Ware provided a written statement to Hollowell and King describing his beating and shooting:

> The sheriff hit me above the right eye with his gun or some other hard object. I still had on my glasses when [I was] hit, but they must have fallen when I fell to the ground after being hit. . . . I then addressed him as "chief." He said, "I ain't no chief, I am the goddamn high sheriff." He hit me a back hand lick in the mouth with his fist, causing my mouth to bleed. The right side of my face and my undershirt were covered with blood at this time as the wound over my right [eye] continued to bleed. . . . He got out of the car and took out a knife, opened it and told me to hold it for him. I was still seated. I held the knife which was about 6 inches in length including the handle. He then took out his pistol with his right hand and grabbed the microphone with his left hand. He said into the mike, this nigger has got a knife on me, and I'm going to have to shoot him. I heard a voice coming back over the mike say, "go ahead." He put the gun in my face and fired

three. He then said over the mike, he's still coming on me. He fired about three more times. Two shots went in the left side of my neck, one just above the left collarbone, one in the left shoulder.[24]

Given the racial climate and the reputation of Baker County sheriffs for acts of violence against blacks, taking on the notorious "Gator" Johnson required extraordinary courage. Although Hollowell and C. B. King fearlessly represented Ware, they encountered a major hurdle in trying to find potential witnesses, who understandably feared reprisal from the sheriff. The evening before the trial, Ware's brother called the home of C. B. King, where King and Hollowell were making final preparations for Ware's defense. C.B.'s wife, Carol, remembered that Ware's brother begged C.B. and Hollowell to come to his home before going to the trial the following day. Hollowell and King, thinking Ware's brother had uncovered some evidence for the trial, postponed their legal preparations to drive some thirty miles to his rural home. Instead of evidence, Ware's brother gave them a small bottle of potion to give to Ware for good luck. He instructed them to tell Ware to sprinkle the concoction over his head and body before going to court, and everything would be all right. Before an exasperated Hollowell and King could return to their car, Ware's brother yelled to them that if any of the potion was left over, they should sprinkle some over their heads as well.[25]

The next morning, before a white judge (Judge Crow) and an all-white jury, Hollowell and King sought to defend Ware against the charge of assaulting Gator Johnson, who had shot the handcuffed Ware three times in the neck. Despite their best efforts, in the segregated courtroom with black spectators relegated to the balcony, the trial was quickly dispatched, and within ninety minutes the jurors declared Ware guilty. Hollowell and King filed an appeal for a new trial, including a challenge to the absence of blacks on the jury. Surprisingly, their persistence paid off as Judge Crow eventually released Ware without a new trial.[26]

Determined to challenge racial injustice on every front, in addition to defending Ware at his criminal trial, Hollowell and King filed a civil suit against Gator Johnson. Such a suit was a historic event in Southwest Georgia and an anomaly in the Deep South. Predictably, the all-white jury did not find that Johnson's shooting of his unarmed prisoner violated Ware's civil rights.[27]

In another incident involving Hollowell and Sheriff Johnson, Hollowell visited a group of black and white ministers locked up in the Baker County

jail for civil rights protests, intending to provide them with a few amenities. Hollowell requested permission from Johnson to deliver cigarettes, then food, then the possibility of soap to the prisoners. On each account, Johnson insisted that he and his deputies could take care of the inmates. Making no progress with the sheriff, Hollowell said, "Okay," and turned to leave. Johnson replied, "Hey, don't you ever just say 'okay' to me again. I'm the high sheriff here, and you ain't nothin' but a goddamn nigger."[28]

It was in this racial environment that the shock troops of SNCC, along with Albany activists, launched the movement to bring about humane and equal treatment of Albany blacks in the fall of 1961. In addition to SNCC, SCLC executives and field representatives along with NAACP brass joined in orchestrating protests and negotiating a settlement for more equitable treatment of blacks in the city.[29] Hollowell partnered with King to defend the protesters and negotiate with Albany officials on behalf of the various civil rights organizations to try to bring an end to segregation.

Freedom fighter and SNCC leader, and now congressman, John Lewis recalled that Hollowell and King were the central lawyers defending the demonstrators during the Albany Movement: "C. B. King and Don Hollowell, these two individuals, probably more than any other two lawyers, played a major role in defending the people that were arrested, people who had been beaten in jail in Albany—but not just in Albany—also Americus and other counties and communities nearby for a period of time. Albany became somewhat the first major mass movement, maybe after Montgomery. And it was well organized."[30]

The campaign included mass demonstrations, bus boycotts, sit-ins, and jail-ins. Spurred by Freedom Rides across the South organized by CORE, in September 1961 the Interstate Commerce Commission (ICC) adopted more stringent regulations barring segregation in bus and train facilities.[31] SNCC leaders recruited high school students to stage protests when they confronted obstacles in mobilizing Albany's African American adults. Some adults were understandably concerned about bread-and-butter issues if they became openly involved in protests, while others perceived SNCC activists as too radical.

On November 1, the effective date of the new rules, SNCC members and local high school students planned to challenge the "whites only" waiting room of the Trailways bus station in Albany. The students were members of the Albany NAACP Youth Council, a group of high school and college students advised by business leader Thomas Chatmon. However, paralyzed

by fear, the youth council students did not come.[32] Youth council member Annette Jones (now Annette Jones White) recalls the events differently. She stated that Ruby Hurley had denounced SNCC for involvement with the youth council, "saying SNCC had no money for bail and would leave [them] in jail if [they] were arrested." Jones contends, "She [Hurley] suggested that we wait before doing anything until we received approval from the NAACP's national office."[33] According to Jones, the Youth Council members followed Hurley's advice and postponed protest plans.

The contrasting advice from SNCC and NAACP leaders to the youth council members reflected a major source of disagreement between SNCC and the NAACP. SNCC advised students to operate autonomously and join SNCC's direct-action campaigns, while the more cautious NAACP officials insisted that the students operate within the bounds of the well-established NAACP lines of authority. Although SNCC and more radical activists shared with established civil rights organizations a common vision to uplift blacks from second-class citizenship in Albany, tactical disagreements, infighting, and heated disputes about leadership and authority played out among the groups and their leaders during the Albany Movement action.

Whether the students were fearful of incarceration, coerced by Hurley, or (most likely) persuaded by some combination of these forces, they did not show up for the protests. Veteran SNCC activists Charles Sherrod and Cordell Reagon, who had traveled from Atlanta by bus to join the youth council members, were greeted by Albany policemen when they entered the white waiting room. Sherrod, whom Hollowell described as a bright and cheerful young man with a winsome smile and "a fearlessness and fierce determination to bring about radical change," had led the charge to inspire Albany youth to directly challenge segregation.[34] In addition to Sherrod and Reagon, SNCC member Charles Jones, who had been jailed with Sherrod and other demonstrators in Rock Hill, was a central figure in mobilizing Albany youth to protest segregation.[35]

Police Chief Laurie Pritchett, a staunch defender of segregation, learned of the bus station protest plan in advance and ordered his deputies to be as nonviolent as possible and to make no arrests under the local and state segregation laws, which would be vulnerable to appeal in the federal courts.[36] Instead, Pritchett ordered police to make arrests on murkier grounds, such as creating a disturbance, loitering, trespassing, or parading without a permit.[37] Pritchett also sought to avoid mass arrests or violence that would trigger publicity and possible federal intervention.

Sherrod and Reagon complied with the police order to vacate the white waiting room, and no arrests occurred. However, later that day, Sherrod and Reagon were able to coax nine youth council members to return with them to the station. When ordered by police to vacate the station, they complied, and although no arrests occurred, SNCC had been successful in motivating Albany high schoolers to become involved. This historic event ultimately engendered support and involvement from Albany college students and adults as well as a host of protesters who would converge on the city from across the nation.[38]

On November 17, less than a month after the precipitating event at the Trailways bus station, Chatmon, local osteopath William G. Anderson, Slater King, representatives of SNCC and the NAACP, local black ministers, and members of Albany's Criterion Club, Federated Women's Club, Voter's League, and Lincoln Heights Improvement Association, as well as other progressive African American organizations, gathered at the home of E. D. Hamilton to discuss their strategy.[39] Despite the courageous involvement of the NAACP Youth Council that Chatmon had successfully organized, the leaders lacked confidence in the moribund Albany NAACP branch, which had been virtually inactive for ten years.[40] On the other hand, SNCC was relatively new to the area, lacking in financial resources, and in the eyes of some its radicalism did not make it a suitable organization to provide the kind of leadership needed. The lack of trust in any of the existing organizations to effectively represent the group, which comprised different tactical ideologies, spurred the leaders to create a new organization: the Albany Movement. The group elected Anderson as its president, Slater King as vice president, and Marion S. Page as executive secretary.[41]

Although SNCC representatives and other youthful members who advocated direct action spurred on the Albany Movement, the stated goal of the new organization was to challenge segregation, whenever possible through negotiation rather than direct action. The predominantly middle-class adult leaders of the group, who had achieved a measure of status and financial security, were more apprehensive about direct action, which would surely jeopardize their economic security and mar their records with jail time.[42] Yet despite the influence of the forward-thinking adult leaders who prevailed in establishing more-moderate tactical goals for the movement, things accelerated to a fever pitch when a band of SNCC workers insisted on direct action to bring about change.

On November 22, the SNCC activists influenced NAACP Youth Council members and former Albany State students Evelyn Toney, Julian Carswell,

and Robert Wilson to again challenge the whites-only policy at Albany's interstate bus terminal. The threesome went to the Trailways bus terminal, purchased tickets, proceeded to the white waiting room, and were promptly arrested as expected. Later that afternoon, Chatmon secured the students' release on bail of one hundred dollars each.

Hollowell's former law clerk, Vernon E. Jordan Jr., who by now had become Georgia NAACP field director, advised Albany State students not to go to the bus terminal because the Georgia Board of Regents had a policy that students with federal or state litigation pending would be subject to immediate suspension from school.[43] Despite Jordan's attempt to dissuade Albany State students from arrests in order to protect their student status, a few hours later two Albany State students, Blanton Hall and Bertha Gober, entered the bus terminal's white waiting room to purchase tickets. When they refused to obey a policeman's order to move from the white ticket window, Pritchett ordered them to jail.[44] The two students stayed in jail through Thanksgiving, and news of their incarceration quickly spread throughout Albany's black community, engendering sympathy, support, and anger. In an adept analysis of the situation, Sherrod observed, "People were afraid, but when you started messin' with their children they got mad."[45]

As Jordan had warned, Albany State president William Dennis—undoubtedly pressured by segregationist officials who controlled the purse strings of the historically black college—promptly notified the students, "As a result of your being apprehended and arrested . . . you are hereby suspended indefinitely as a student."[46] In light of the treatment of Aaron Brown, Dennis's predecessor, whom the Board of Regents fired for his support of NAACP voter registration efforts, Jordan knew that the student protesters would be destined for expulsion.[47] As the protests continued and many students were jailed, more than fifty other Albany State students faced the same fate as Hall and Gober. Janie Culbreth (now Janie Culbreth Rambeau), one of the students expelled from Albany State College for her participation in the civil rights movement, remembered: "When I was released from jail, I had a letter from Albany State College informing me that I had been expelled because of my participation in the demonstrations. . . . These were not troublemakers, but upstanding students, including Miss Albany State, Annette Jones, who lost her scholarship. We were expelled for the cause of human dignity."[48]

Annette Jones, after enduring a week in squalid conditions in an Albany jail with no working toilet, returned to Albany State to learn that she was among the student activists expelled because she was considered a danger

to the college.[49] Despite blacks' assertions of civil rights and human dignity, Georgia's leaders were determined to sustain segregation and lashed out at anyone who threatened the status quo, including a college president, honor students, and Miss Albany State. The treatment of Albany's black college students who protested for freedom contrasted sharply with the treatment of white student rioters at UGA who had sought to disrupt the university's desegregation a few months earlier. Dennis's action led A. C. Searles, editor of Albany's black-owned newspaper, to quip that Dennis was "the blackest white man I ever saw."[50] Even more troubling, Dennis swore to warrants charging Charles Sherrod, Charles Jones, and Cordell Reagon with criminal trespass.[51]

Although Dennis buckled under to the pressure of white segregationists, the students' courage helped embolden the people of Albany to stage mass demonstrations for freedom and dignity. The Albany Movement called a mass meeting on November 25, with featured speeches by Anderson, C. B. King, Slater King, and Searles. The five arrested students, released from jail a day earlier, also provided powerful, moving testimonies. Bertha Gober, speaking on behalf of all of them, said her time in jail was necessary to show people that human dignity must be obtained even if it required suffering. "I feel that I have gained a feeling of decency and self-respect, a feeling of cleanliness that even the dirtiest walls of Albany's jail nor the actions of my institution cannot take away from me."[52]

On the afternoon of November 24, Chatmon traveled to Atlanta to meet with Hollowell, Jordan, and Ruby Hurley, the NAACP's southeast regional director. Chatmon requested that Hollowell represent the three youth council members who had been released on bail. Hollowell traveled to Albany on November 27 and collaborated with C. B. King on the trials of all five arrested youths. It was the beginning of a long, arduous legal process that would lead to King and Hollowell's representation of more than seven hundred jailed demonstrators, as well as negotiations on behalf of the Albany Movement to end segregation in the city. With a crowd of five hundred outside the courtroom outraged by the arrests, Hollowell and King represented the arrested students at their trial. The trial was interrupted by the presence of Charles Sherrod, who dared to sit on the white side of the segregated courtroom. Judge Abner Israel suspended the trial and summoned Hollowell and King to the bench. The two attorneys conferred with Sherrod, who subsequently left the courtroom.[53] While their lawyering prevented any further jail time for the five students, the students were nevertheless convicted,

and each was given a one-hundred-dollar fine and a fifteen-day probationary sentence.[54]

Meanwhile, the student protests continued, and many of the adult leaders, while not abandoning their preferred stance of negotiation, became more intensely involved in direct action. In addition to the protesters who lived in the Albany area, at the request of SNCC, an interracial group of Freedom Riders flooded the city to challenge segregation at various venues, including Albany's railway terminal. Among the Freedom Riders were James Forman, executive secretary of SNCC; Lenora Tate, Atlanta University School of Social Work student; Bernard Lee, SCLC member; Tom Hayden, University of Michigan graduate and freelance writer; Robert Zellner, SNCC field worker; and Per Laursen, a Danish journalist commissioned by Viking Press to write a book on the Albany Movement.[55]

Mass arrests of the protesters, including some of Albany's most prominent black leaders, prompted yet more protests. Sheriff Laurie Pritchett, staying on the safe side of federal law, continued to order arrests for disorderly conduct or obstruction of peace officers as opposed to charges for violating segregation ordinances. Nonetheless, the arrests were mounting, and on December 11, C. B. King told Jordan that he was experiencing difficulty defending the multitude of protesters and asked for Hollowell's help.

The next day Jordan and Hollowell drove down from Atlanta to assist King with the case of Per Laursen, who was among a group of Freedom Riders charged with disturbing the peace, obstructing traffic, and failing to cross at a crosswalk. Hollowell and Jordan entered the courthouse after wading through some four hundred protesters gathered outside, singing freedom songs and engaging in prayer vigils. In the pouring rain, police herded the protesters into an alley adjacent to city hall and arrested 279 people. Following Pritchett's orders, officials charged the protesters with disturbing the peace, disorderly conduct, and failure to obey an officer; the protesters were searched and marched off to jail cells. The children—a sizable portion of those charged—were separated from the adults, but all were jailed.[56]

In a clever effort to avoid filling the jails, a strategy often employed by civil rights leaders to force officials to concede to some of their demands, Chief Pritchett negotiated agreements for additional jail space with surrounding counties, including Baker and Terrell Counties, notorious for their cruel treatment of blacks. While some movement scholars have praised Pritchett's tactics, such as ordering his deputies to maintain a nonviolent posture during the mass arrests, it should be underscored that although mayhem did

not break loose on the level of the Birmingham civil rights movement, savage acts of police brutality did occur during the Albany Movement action. For example, William Hansen, a white SNCC Freedom Rider, was severely beaten in jail, and his jaw was broken by a group of inmates not inspired by the Freedom Riders' cause. When C. B. King rushed to the jail to see Hansen, Sheriff D. C. (Cull) Campbell hit him on the head with a walking cane, literally cracking open his head.[57] Campbell remarked, "I wanted to let him know . . . I'm a white man and he's a damn nigger."[58]

In another incident, Marion King, wife of Slater, was knocked down and severely kicked by a police official as she attempted to pass food to jailed protesters at a Mitchell County jail in Camilla, Georgia. Marion, who was pregnant at the time, later lost her baby due to injuries sustained in the incident.[59] Charles Sherrod was also beaten in a Terrell County jail, and when he took a seat at the front of the courtroom during a trial for some of the Freedom Riders, police officers knocked him to the floor and dragged him to the back of the room.[60] Chief Pritchett himself showed little compassion for the jailed protesters. In a conversation with members of the national press, he quipped, "There are three things I like to do. Drink buttermilk, put niggers in jail and kick reporters' asses."[61] While the brutality by public officials had dire consequences for the victims, it also enraged members of the black community and encouraged even more to join in the struggle.

Hollowell, King, and Jordan returned to the courthouse on December 13 for the trials of the Freedom Riders. However, the judge continued the cases due to the city attorney's involvement in a Georgia Supreme Court case. This was despite the fact that when Hollowell asked for a continuance on December 12 to provide additional preparation time, his request was summarily denied. When Hollowell, King, and Jordan left the courthouse on December 13, Slater King was leading a group on their knees praying in front of the courthouse. Police officials took Slater into the courthouse and asked him to disband the group, but he insisted that he would not obey the order until all 279 persons arrested on December 12 were set free.

Before Slater's brother (C. B. King), Hollowell, and Jordan, Judge Abner Israel held Slater in contempt for demonstrating outside his court and sentenced him to five days in jail.[62] Slater felt morally compelled to go to jail, inasmuch as his wife, Marion, had been incarcerated the previous day and was still in jail. On December 14, 204 more protestors were arrested for marching around the courthouse, bringing the total to nearly 400 in jail. Hollowell and King were now working practically around the clock to try to provide legal

representation for the protesters, while at the same time trying to negotiate a settlement with city officials for their release.

The mass arrests, parceling protesters out to remote jail cells on back roads throughout Southwest Georgia, and dwindling resources for bail convinced some Albany leaders that they were in over their heads and would benefit from the high profile of Martin Luther King Jr. and the resources and organization of the SCLC. Anderson had also reneged on his promise to Jordan and Hurley to merge the efforts of the Albany Movement with the NAACP, creating a breach between the movement leaders and curtailing the full sharing of NAACP resources with the Albany Movement.

Jordan and Hurley had insisted from the outset that if the NAACP assumed responsibility for the protesters' legal defense, the Albany Movement would be required to operate under the auspices of the NAACP. Albany Movement leaders thus vacillated between needing and requesting financial resources and other forms of assistance from the well-established NAACP and SCLC and wanting to maintain full control over decisions related to the protests. Adding to the complexity, SNCC leaders, who had created the momentum for the mass movement in Albany, continued to forge ahead with protests without seeking cooperation or approval from the NAACP or other organizations. Although the organizations shared the common goal of overturning the segregationist system in Albany, they lacked coordination in their tactics and disagreed on who should be in charge.

SNCC leader James Forman and Albany Movement official Marion Page strongly opposed inviting "De Lawd" (SNCC's derisive term for Martin Luther King Jr.), contending that the awe-inspiring MLK would usurp local control and weaken the grassroots momentum.[63] In contrast, Anderson insisted that MLK's presence would inspire the masses and force the establishment to agree to their demands. Despite the sharp differences of opinion among Albany Movement leaders over the benefits of inviting MLK to join the protests, Anderson, supported by Bernard Lee and C. B. King, prevailed in persuading the group to invite Martin Luther King Jr.[64]

After more than five hundred demonstrators had been arrested, Martin Luther King Jr., the premiere civil rights leader in America, and his trusted comrade Ralph David Abernathy joined the fray on December 15. MLK spoke eloquently at mass meetings at Shiloh and Mt. Zion Baptist Churches.[65] As expected, he roused the crowds and further inspired their activism. Anderson then issued MLK a public invitation to march with the people of the Albany Movement the next day.

While MLK and his advisers pondered the invitation in the pastor's study, Anderson introduced the emerging movement's leaders and lawyers. Anderson introduced Hollowell as the attorney from Atlanta. Hollowell, who had become a hero among Albany blacks for his work with C. B. King to gain the release of hundreds of protesters from jail, received thunderous applause. Speaking briefly to the crowd, interspersing grassroots activism with his legal work, Hollowell encouraged the assembly to protest. In his closing remarks, he said to the congregation, "If I were you, I'd plan to show up here again tomorrow morning early and wear your walking shoes."[66]

Following prayers, the singing of freedom songs, and exhortations from movement leaders at Shiloh and Mt. Zion Baptist Churches, the next day Anderson, Martin Luther King Jr., Abernathy, and the Albany Movement activists proceeded to city hall for a prayer vigil.[67] Abernathy's eloquent prayer set the tone for the vigil:

> Our Father and our God, we come to thee this afternoon with our hearts filled with love and with thanksgiving to thee. We ask thy blessings upon the city of Albany, upon its city officials, upon the mayor, the chief of police, and all the members of the police force. We pray, oh God, that Thou would touch the hearts of the leaders of this city and have them to know that there will be no peace in this community until those elected to high office will rise to stature and to the understanding that they will be willing to sit down and to talk and to discuss their problems with the leaders of the Negro people of this community. We pray that those of us who keep this vigil, this prayer vigil, here at the city hall, may have our hearts fixed aright and let there be no hate or animosity in our hearts.[68]

Despite Abernathy's prayer for peace and an opportunity to sit down and discuss issues with city officials, later that day MLK, Abernathy, Anderson, and another 264 demonstrators were herded off to jail by Pritchett on the charge of parading without a permit, bringing the total arrested to more than seven hundred.[69] Pritchett vowed, "We cannot tolerate the NAACP, the Student Nonviolent Coordinating Committee, or any other nigger organization trying to take this town over by mass demonstration."[70] Martin Luther King Jr. was taken to jail in Americus, Georgia, where he said, "[I am] being treated like a prisoner. I wish some people could be a little more courteous. The guards in this jail call me 'boy.' I might note that I am the pastor of a church with 4,000 members."[71]

The arrests crowded the local and surrounding county jails, and despite Pritchett's penchant for so-called nonviolent arrests to avoid national attention and federal intervention, the media was focused on Albany, and the continued protests were becoming a major issue for Pritchett and city officials. At the same time, money for bailing out protesters had been exhausted, jailed protesters' jobs were in jeopardy, and the conditions in the jails were deplorable. Both sides had an incentive to resolve the crisis.

Hundreds of protesters, including celebrities and activist college students from across the nation, continued to converge on the city. On December 18, Hollowell, in collaboration with Art Levin of the Anti-Defamation League, Paul Rilling of the Southern Regional Council, C. B. King, and Page negotiated with Mayor Asa Kelley and Chief Pritchett on a proposed sixty-day truce.[72] A verbal agreement was reached to allow local adult demonstrators to sign their own bonds and go free and to allow Albany Movement leaders to sign bail for juveniles.

The proposal also stipulated compliance by the city with the ICC directive on bus and train facilities, the formation of an eight-man biracial committee of white and black Albany citizens, and an agreement that demonstrations would be called off for sixty days.[73] Despite Hollowell and C. B. King's exhaustive all-day negotiation efforts, however, Hollowell reported that Kelley and Pritchett would not agree to negotiate after the end of the sixty-day truce, and they refused to sign the agreement.[74] City officials also insisted that Martin Luther King Jr. leave Albany and refused to lower bail for the Freedom Riders or other protesters considered "professional agitators" responsible for starting the racial turmoil.[75]

Meanwhile, after Page, Hollowell, and C. B. King returned from the meeting with Kelley and Pritchett, they called Hurley, Jordan, Ella Baker, and MLK's executive assistant, Wyatt Tee Walker, into a meeting with the executive committee of the Albany Movement. In addition to Page and C. B. King, Albany Movement leaders present were Charles Jones; Irene Asbury Wright, former dean of students at Albany State, who had resigned her position in protest of President Dennis's attempts to suppress student activism; and Wright's husband, Air Force lieutenant Thomas Victor Wright, stationed in Albany.[76]

Hollowell asked for the leaders' recommendations in light of the city officials' refusal to commit to negotiations at the end of the sixty-day cooling-off period. Because of the squalid and dangerous conditions in the jails, Hurley insisted that the primary concern was to secure the release of the jailed protesters. On the other hand, Jones and the Wrights advocated that the move-

ment should not accept the terms of the agreement if the commissioners remained unwilling to commit to negotiations after sixty days. Furthermore, they contended that the city's willingness to desegregate bus and train facilities was not a major concession since the ICC had issued more-stringent regulations barring segregation in bus and train facilities effective November 1. Jordan and Hurley suggested that the committee accept the agreement and start a voter registration campaign to undermine the power of the commissioners and an economic boycott to force further concessions. Although Jones continued to express his displeasure, in the end the committee voted "that they would go along with the conditions until January 1, and not demonstrate, in return they [would] get the people out of jail."[77]

Although the settlement was far less radical than the more militant element of the movement wished, after generations of repression, at least blacks in this Deep South town had achieved a realistic expectation of some changes in the social order. At a prayer meeting following the settlement, Hollowell told the crowd, "Albany will never be the same."[78] The deep commitment and courageous spirit of Albany blacks were summed up by a woman on the Albany Movement executive committee who declared, "We are anything but through with the fight to be full citizens right here in Albany. . . . Anybody who thinks this town is going to settle back and be the same as it was has got to be deaf, blind, and dumb."[79]

Martin Luther King Jr.'s presence and jailing brought new momentum and wider press coverage to the events in Albany. However, his international stature and charismatic presence did little to mend the rifts between the NAACP, the Albany Movement, and SNCC leaders. The fact that the media focused on MLK and obscured the role of SNCC's grassroots activism in initiating the Albany Movement and inviting MLK to join the Albany protests only heightened the tensions between SNCC and the SCLC. As with MLK's involvement in the Atlanta student sit-ins, local blacks benefited from the national attention that resulted from calling in the towering Martin Luther King Jr. and the SCLC to help with the protests. Disagreements, however, developed over such issues as who should be in charge of the local movement, who should serve as the spokesperson, and which organization should be financially responsible for bailing protesters out of jail. SNCC activists Sherrod and Reagon as well as local leaders Marion Page and Slater King opposed any intervention of the SCLC in Albany.[80]

Although many Albany Movement leaders deferred to MLK, others openly resisted the notion that he was the leader of the protest movement in Albany.

In fact, Albany Movement leader Marion Page, with Hollowell at his side, announced at a press conference that it was not true that MLK and the SCLC were taking over leadership of the Albany Movement. When asked by a reporter whether the Albany Movement was divorcing itself from the SCLC, Page punctuated his opposition to the idea, insisting that there had never been unity with the SCLC. Likewise, Jones emphasized that the protests in Albany were the work of the Albany Movement and not Martin Luther King Jr.[81] As Clayborne Carson observes in his seminal article "Civil Rights Reform and the Black Freedom Struggle," although MLK played a major role in the Albany Movement in 1961–62, "he joined a movement that was already in progress and worked alongside indigenous leaders who often accepted but sometimes rejected his advice."[82] The acknowledgment of the vital and autonomous roles that the local leaders played in the civil rights movement does not diminish MLK's enduring legacy but instead shows that his preeminence was rooted, in part, in social movements instigated by indigenous leaders who sometimes differed strongly with him.

Ironically, Hollowell, who was MLK's attorney in Albany as well as local counsel for the LDF in Atlanta and the southeast region, worked closely with Jones, Page, and Ella Baker even though they opposed MLK and the SCLC leadership in Albany.[83] Baker played a pivotal role in the founding of SNCC and was a key mentor to SNCC activists.[84] Baker, an effective and longtime community organizer, was on the staff of the national NAACP in the 1940s, courageously organizing NAACP branches in hostile areas in the Deep South.[85] In the early 1960s, she served as executive director of the SCLC. She was "an articulate and outspoken woman with a feminist consciousness far ahead of her time."[86] She therefore found it problematic to work within an organization made up of predominantly black clergy who were accustomed to seeing women only in compliant roles.

Although Martin Luther King Jr. and Baker together organized the Southwide Youth Leadership Conference on Nonviolence held on the campus of Shaw University in April 1960, which led to the birth of SNCC, Baker, who resisted the top-down leadership of the NAACP and the SCLC and advocated the empowerment of the student activists, emerged as the trusted adviser to SNCC. Baker's long experience in grassroots organizing had taught her that enduring change must come from people and their communities trusting their own capacities and growing their own indigenous leadership. The militant young activists perceived the strategies of the major civil rights organizations as overly cautious and too gradual in delivering social change.

They therefore gravitated to Baker, who encouraged them to develop their own leaders and establish their own strategies and pace for bringing about change, and remain independent of the existing civil rights organizations.[87]

Not surprisingly, internal differences emerged between the maverick Baker and young activists, on the one hand, and the SCLC leadership in Albany, on the other. Baker did not conform to the traditional role for women, encouraged the autonomy of SNCC and local activists, and often publicly and firmly resisted the dominance of the NAACP and the SCLC in local protests. Hollowell, who had worked closely with the student demonstrators in the Atlanta Student Movement, embraced Baker and the student activists in Albany. For example, Hollowell and Baker actually helped Page prepare a press release that disputed a report from MLK's trusted adviser Rev. Wyatt Tee Walker, stating that the SCLC had assumed direction of the Albany Movement. According to the transcript of a telephone conversation between Jordan, Hurley, and NAACP official Gloster Current, Hollowell had become the central figure in the negotiations; the transcript revealed that "Jones now [had] Hollowell on his side," and that "Hollowell [was] now calling the shots and [had] the ball and [was] not going to give it up."[88] However, Jordan and Hurley concluded during the conversation that Hollowell was tired, under a great deal of pressure, and difficult to communicate with.

Interestingly, Hollowell represented Martin Luther King Jr. and the NAACP while at the same time maintaining a good rapport with the more radical Jones and Baker, who operated outside the protocols of the well-established and tightly structured NAACP and SCLC. Andrew Young, MLK's trusted adviser, emphasized that Hollowell's work with demonstrators in Albany was different from the traditional approach to demonstrators by NAACP lawyers:

> Don Hollowell and the NAACP LDF came down to intercede and represent us legally. I saw his cool demeanor. He was different from the New York NAACP lawyers. They want to tell us what we had to do and what we couldn't do. And Don Hollowell would say, "Now, gentlemen, these are your alternatives. If you do such and such, this will happen; if you do such and such, this will happen." He said, "You decide what you must do; we will defend you regardless of what you do." It was a new attitude between lawyers and people who were advocates of civil disobedience. . . . Hollowell was the lawyer that lived here with us, and so he acted as a bridge and as an interpreter between the civil disobedience nonviolent direct-action movement and the traditional legal approach to change the Constitution case by case. And he did a masterful job.[89]

A distinctive aspect of Hollowell's lawyering was his ability to work closely with a wide spectrum of civil rights activists. In addition to Hollowell's service as chief lawyer to Martin Luther King Jr., Ralph David Abernathy, and other movement leaders as well as his role as chief negotiator for the movement, he was also well respected by the more radical elements of the direct-action movement.[90] Speaking of Hollowell's effectiveness as a lawyer and his support for direct action, Preston King observed, "Att[orne]y Hollowell was more southerner than northerner. He was an artist, even effete, in his management of the law. But he was fully attuned to the popular movements of protest that roiled the cities."[91]

On the one hand, Hollowell cannot be identified merely as a lawyer, in view of his profound grasp of the need for extralegal movements to reshape the law. Nor can he be identified as a mere proponent of public protest, given his acute sensitivity to the need to impose on such protest the restraint of legal form. The NAACP, at one end of the spectrum, advocated social change through legal change, as in the case of *Brown v. Board of Education* and the panoply of NAACP cases. The Albany Movement, the SCLC, and SNCC, at the other end of the spectrum, were principally committed (if in starkly divergent ways) to achieving legal change through social change, through such means as sit-ins, boycotts, and related actions. While such divergent change agents (legal appeal versus social protest) are complementary, they are also potentially conflicting. Hollowell—no more a buttoned-up NAACP lawyer than a forthright SNCC organizer—developed an exquisite proficiency in the law, fundamentally informed by an intuitive appreciation of and respect for the role of "the street." He and C. B. King, in this delicate intermediacy, mirrored each other.

Hollowell, unlike the NAACP or indeed the SCLC, seemed to have no overarching or exclusionary political strategy. In an appropriately legal manner, he developed his position case by case. He worked with those change agents prepared to work with him, whether SCLC, NAACP, SNCC, or other. For instance, Hollowell took on the case of Preston King, who defied the federal government's order of military conscription on the basis of the military's discriminatory treatment of African Americans. The NAACP washed its hands of the Preston King case, recommending to King that he comply with federal orders, as issued by the Albany, Georgia, segregationist Selective Service Board. But Hollowell, along with C. B. King, energetically defended Preston King in that face-off. The NAACP would not take on the Preston King case because its basic strategy was to deploy the federal government as a partner

in facing down local segregationist practices at southern sites. The NAACP therefore did not wish to confront the federal government as an adversary, especially in the South. Similarly, the SCLC's strategy was overwhelmingly to urge the federal government to intervene against segregation only at the state and local levels, not to protest the segregation practiced by federal agents themselves.

The NAACP's and the SCLC's unwillingness to engage in the Preston King case makes sense given their strategies, but Hollowell operated under no such constraints. He could actively link with the twenty-year-old Preston King, just as he could with SNCC activists in the same age bracket. Whereas Hollowell sought only to further, not to control, the black freedom struggle, the NAACP and the SCLC did vie to impose their vision of how the struggle should play out. The NAACP and the SCLC had major tactical differences and conflicts, as evidenced by disagreements between Martin Luther King Jr. and Roy Wilkins. Thus, at times they clashed with each other as well as with SNCC. Plainly, SNCC had reason to be suspicious of the hegemonic pretensions of both the NAACP and the SCLC. But they had no such suspicions of Hollowell, who remained rigorously independent throughout.[92]

It is unclear whether Hollowell's support of the more radical element of the Albany Movement, which publicly resisted MLK's leadership in Albany, created a rift between MLK and Hollowell. It is interesting to note, however, that although Hollowell continued his ascent as the premiere civil rights lawyer in Georgia, he did not represent Martin Luther King Jr. in any major cases after the Albany Movement.

After the agreement was reached between Hollowell, C. B. King, and Page, which the city refused to sign, MLK, Abernathy, and Anderson were released from jail on bond. Hollowell explained to MLK, Abernathy, and Anderson that there was "a gentlemen's understanding that none of the jailed demonstrators would be brought to trial, although their release would not include dropping charges."[93] MLK was distrustful of the agreement and repeatedly asked whether these "white folk could be trusted."[94] Although MLK was disappointed with the unsigned agreement, he reluctantly allowed himself to be released from jail and conceded that he "would not want to stand in the way of meaningful negotiations."[95] Masses of released protesters poured from jails all over Southwest Georgia. MLK and Abernathy then returned to Atlanta, which Albany officials hoped would dampen the momentum of the movement. To their dismay, Sherrod and SNCC demonstrators continued to protest segregated facilities in Albany, and their efforts kept Hollowell

and C. B. King busy bailing them out of jail. Sherrod said, "If they put me in jail, it would be just a matter of time before Don would be coming to get me out."[96]

Not surprisingly, the concern of Hollowell and movement leaders over the lack of a written agreement was well founded: the city refused to uphold the verbal agreement or negotiate further, while Pritchett unabashedly denied any settlement with the Albany Movement. Tensions and disagreements among the movement's factions resurfaced, with SNCC leaders blaming Martin Luther King Jr. for the weak, unsigned agreement. Media outlets had a field day in their criticism of MLK and the Albany Movement, focusing on the infighting and intergroup conflict rather than on the scores of blacks going to jail to assert their claim to equal rights.[97]

Indisputably, the agreement was weak, and political rivalries, competing egos, and tactical disagreements did exist. Nonetheless, it was historic for such a broad spectrum of African Americans in Southwest Georgia to band together and put their lives on the line to fight for their freedom and dignity. One of Hollowell's recollections speaks volumes about the historical significance of these events. On one occasion, at about two-thirty in the morning when he was at the Albany jail working with Pritchett to process a new wave of demonstrators, Hollowell asked an elderly gentleman named Jefferson how he felt. Jefferson replied, "I feel fine, Mr. Hollowell. I am just so happy that I have lived long enough to be able to see Negroes in Albany stand up for their rights. I never thought I would live that long. So you see, I feel good."[98]

Renewed conflicts between protesters and the city occurred and plunged Albany into months of civic and legal chaos. Disappointingly for Albany officials, the protests and subsequent jailing continued. Hollowell and C. B. King worked tirelessly to counsel the scores of protesters, seeking to post bond for each of the jailed protesters. Although Pritchett was a formidable adversary, Hollowell and King established a reasonably good working relationship with him. They arranged for the release on their own recognizance of those detainees who could demonstrate that they owned any form of personal property. Since cash was in short supply after hundreds of individuals had already been bailed out of jail, this arrangement was a major asset to the Albany Movement.[99]

Months later, on July 12, Martin Luther King Jr. and Abernathy returned to Albany for sentencing from their December arrests. Judge A. N. Durden Sr. sentenced them to pay a $178 fine or spend forty-five days in jail. When

Hollowell asked Judge Durden for the legal basis for his order, Durden responded that "he didn't have any" but asserted that his decision was based on "general research of the law."[100] Durden also declared that it was the duty of a police officer to break up gatherings of people on the streets or sidewalks "although no violence might be involved."[101] Durden's decision, without legal basis, revealed the difficulty that lawyers such as Hollowell and C. B. King experienced in asserting the rights of protesters in a white-controlled system bent on sustaining segregation. Contending that their arrests on charges of disorderly conduct were a transparent legal ploy, "in true Gandhi fashion" MLK and Abernathy refused to pay the fine and opted for jail.[102]

Meanwhile, Albany Movement leaders, in concert with national civil rights leaders, used the arrests of hundreds of college students, professionals, working people, and even children to dramatize the ironic contrast between the United States' attempt to sell democracy abroad and the undemocratic treatment of black citizens at home.[103] At the same time, state and local authorities refused to even acknowledge that Albany's black citizens were desperately seeking social justice. Instead, public officials sought to downplay the crisis and charged that a few outside agitators were responsible for the racial demonstrations.

For example, Governor Vandiver told a news conference, "We have information that six outside agitators were sent into Albany several weeks ago to stir up trouble and they are still there. They have been connected with organizations which have been designated as subversive."[104] Rabid segregationist Peter Zack Geer, a Democratic politician and Vandiver's ally, even proffered that the demonstrations were staged for the personal aggrandizement of MLK and other leaders. Geer stated, "It is quite clear that Negroes who have been engaging in public demonstrations have been doing so without just provocation, and are only helping to fatten the pocketbooks of Martin Luther King, Jr., and others of his obnoxious ilk."[105]

Although it is true that a handful of SNCC members and Freedom Riders, who were also veterans from civil rights battles across the Deep South, played a pivotal role in the onset of the demonstrations, they had inspired a broad spectrum of the local black community, long weary from generations of oppression, to rise up and challenge injustice. The protests continued to engender national media attention and even a measure of support from President Kennedy, his brother Attorney General Robert Kennedy, and Justice Department officials. At a press conference, responding to a reporter's question about the Albany crisis, President Kennedy stated:

> Let me say that I find it wholly inexplicable why the city council of Albany will not sit down with the citizens of Albany, who may be Negroes, and attempt to secure them, in a peaceful way, their rights. The United States government is involved in sitting down at Geneva with the Soviet Union. I can't understand why the government of Albany, the city council of Albany, cannot do the same for American citizens.[106]

Pritchett and city officials, who feared that the increased national attention to MLK's incarceration would lead to federal intervention, maneuvered to recruit B. C. Gardner, a law partner of Mayor Kelley, to surreptitiously pay MLK's and Abernathy's fines under the cover story that an anonymous black donor had paid the fines.[107] Following his release, Abernathy later remarked, "I've been thrown out of lots of places in my day . . . but never before have I been thrown out of jail."[108] Martin Luther King Jr. denounced the devious scheme that resulted in his release. Perhaps as an apology for his underhanded behavior, Pritchett reversed his denial of the unsigned settlement negotiated by Hollowell and C. B. King, promising them that the cases against the seven hundred protesters from the previous December would be dropped and the proposed biracial commission would be convened.

In the meantime, a major setback occurred. Although by 1960 the federal courts had become moderately progressive in defending civil rights, not all members of the federal judiciary were so enlightened. In a move against all forms of civil disobedience in Albany, federal judge J. Robert Elliott, an "avowed segregationist" still steeped in the customs and mores of the time, issued a temporary restraining order (TRO) to stall the marches and protests.[109] However, the Albany city fathers had secured the TRO without notifying Martin Luther King Jr. or Albany Movement officials. Despite objections by Hollowell and C. B. King, Elliott contended in his ruling that the protests and consequent response by law enforcement officials constituted a denial of white people's rights to equal protection by making police and other resources unavailable to the white citizenry.

Responding to renewed protests and the TRO, Hollowell and C. B. King telephoned veteran NAACP attorney Constance Baker Motley to assist them in representing MLK, Abernathy, and the other protesters. Motley's first order of business was to assist Hollowell and C. B. King in filing a motion with court of appeals judge Tuttle to overturn the TRO. In light of Tuttle's favorable ruling in the *Holmes v. Danner* case, Hollowell and Motley filed the appeal with strong confidence that they would receive a fair hearing

in Tuttle's court. Hollowell, Motley, and C. B. King prepared the motion at Hollowell's office in Atlanta. William Kunstler, who became famous in the 1960s for his involvement in cases related to Freedom Riders, also provided support as well as an extra measure of national visibility. Before Judge Tuttle, with Martin Luther King Jr. and Coretta Scott King seated in the courtroom, Motley, Hollowell, C. B. King, and Kunstler successfully argued their case. Tuttle promptly vacated what he termed a "preliminary injunction" issued by Judge Elliott.[110]

Though some protesters had defied the injunction, this significant victory allowed the marches and protests to continue legally and, more importantly, established a significant precedent by a federal appeals court that protected the rights of civil protesters from not-so-enlightened judges. Indeed, any victory was welcome given the horrid conditions to which blacks were still subjected in Southwest Georgia. Constance Baker Motley's memory of the decrepit jail on a dirt road in which MLK and Abernathy were incarcerated speaks volumes:

> When we finally found the jail and parked our car, the three of us went in. I instantly ran back out, overcome by the stench. . . . King and Abernathy were in a cell to the left of the main entrance. Hollowell and C. B. King, having been in the military during World War II, were not distressed by the smell of the latrine, so they stayed in the room near the entrance where King and Abernathy were being held. . . . We could hear other prisoners in a back room yelling and moaning. I was frightened to death. C. B. King and Hollowell seemed unperturbed; they were accustomed to visiting rural Georgia jails. My visit to the jail was the most horrendous experience of my life.[111]

The overcrowded, rat-infested jails like the one Motley visited, in which Pritchett had deposited the protesters, further refute the claim that Pritchett's treatment of Albany protestors was nonviolent or humane. Although he did not resort to dogs and fire hoses, as did the infamous sheriff "Bull" Connor in the 1963 Birmingham civil rights protests, to characterize Pritchett's actions as "humane" is a gross distortion. Unlike Connor, Pritchett was smart enough not to display inhumane treatment publicly, where it could have been captured by the media and forced the city to concede more readily to the protesters' demands.

Although civil rights efforts in Albany are not as well known as those in cities such as Montgomery or Birmingham, the Albany Movement has great historical significance and contributed to the momentum of the 1960s civil rights struggle. Hollowell was a pivotal figure and a strong behind-the-scenes

force in those efforts. Civil rights leader Joseph Lowery summed up Hollowell's and C. B. King's roles:

> When the Albany Movement heated up in '61 when King got arrested, it was [Hollowell and C. B. King] who stepped into the breach, who filed lawsuits, who tried to fight off the attempts of Chief of Police Laurie Pritchett to suspend the First Amendment in Albany. Hollowell and C. B. King raised the legal questions and forced the government at the local, state, and national levels to face the issues of segregation and discrimination and brutality on the part of law enforcement officials. They did it brilliantly, and Albany was never the same.[112]

Hollowell's lawyering in the Albany movement solidified his reputation as a foot soldier for equal justice. Together, he and C. B. King represented more than seven hundred protesters, and their meticulous work to clear their clients' records and help them return to their jobs continued long after the marches and the media attention ceased. As far as the student protestors were concerned, Hollowell had earned a general's star. As Joseph Lowery noted, "The kids used to say, 'King is our leader, Hollowell is our lawyer, we shall not be moved. King is our leader, Hollowell is our lawyer, we shall not be moved.'"[113] Many credit Hollowell and his colleagues with providing the hope and support needed to keep the movement going. For example, Morris Brown president emeritus Robert Threatt has observed, "When black people see lawyers like King and Hollowell and Motley, it gave them courage because they knew that when I get arrested for demonstrating or picketing or marching, I'm gonna have somebody to speak for me."[114]

Though the Albany Movement did not immediately achieve its stated goal, the movement was a landmark crusade in the struggle for freedom in the 1960s. Notwithstanding the crucial organizing work of SNCC, any fair and objective analysis would conclude that the tireless efforts of Hollowell and C. B. King helped to underpin the movement. Moreover, their efforts contributed significantly to Martin Luther King Jr.'s development as a civil rights tactician. As Carol King put it, "Albany was the school for Martin." She observed that the lessons MLK learned ranged from the legal actions required to overturn a federal injunction banning civil rights marches to how to cope with the duplicitous tactics of a police chief such as Laurie Pritchett, concluding that these lessons would be useful in his civil rights protests in other cities.[115] Likewise, Martin Luther King Jr. himself observed that the experience he gained during the Albany protests was pivotal in planning strategy for the Birmingham protests a few months later, and that the lessons learned from Albany helped make later campaigns in other cities more effective.[116]

Albany was a crucial proving ground for ordinary black citizens as well. In addition to the progress toward unraveling Albany's apartheid-like conditions, many once-quiescent blacks came of age in their willingness to fight and go to jail, if necessary, to demand their civil rights. Bernice Johnson Reagon, who joined the Albany Movement as a college student and went on to work for SNCC, recounted the importance of the movement for black empowerment. Reagon also offered a still-relevant critique of the scholarship on the Albany Movement. In a 1978 interview, she stated, "When I read about the Albany Movement, as people have written about it, I don't recognize it. They add up stuff that was not central to what happened." Reagon noted that scholars have focused too much attention on the movement's meaning for Martin Luther King Jr., the tactics of Sheriff Pritchett, and the legal or political milestones. She stressed that what mattered to her was that the movement gave her "the power to challenge *any* line that limits [her]." She insisted, "That is what it meant to me, just really gave me a real chance to fight and to struggle and not respect boundaries that put me down."[117] Similarly, Charles Sherrod, reflecting on the criteria for successful civil rights activism, asserted that such activism comprised "a psychological battle for the minds of the enslaved."[118] Self-reliant indigenous leaders in Albany, as in other local movements, played key roles in mobilizing blacks and "articulating the emergent values of the local struggles."[119]

Janie Culbreth recalls how Sherrod and his SNCC comrades inspired youth in Albany. Sherrod and SNCC activists led black youth to join them in initiating protests in Albany by asking, "Why do you have to go to the back door to get food, and why do you have to drink from the 'colored' water fountain. Why do you have to go to the 'colored' restroom?"[120] Culbreth observes that students rarely receive credit for their work and their sacrifice in the movement. She argues:

> I am pained when I read books or see articles that call Albany Dr. Martin Luther King Jr.'s Waterloo. It can't be your Waterloo unless it was your fight in the beginning. It was the people's movement, not his. He came and he did a lot of good, but he came because the Albany Movement *invited* him to join *us*. The *Movement* was already underway with several hundred people in jail when Dr. King first came to Albany.[121]

The prevailing scholarly narratives that focus on Martin Luther King Jr., the SCLC's and the NAACP's roles in Albany, Laurie Pritchett's tactics, the assessment of legal and political achievements, and the internal differences among civil rights groups are vital components in the study of the Albany

Movement. However, any objective and comprehensive analysis of the Albany Movement must highlight the importance of SNCC activists who collaborated with local people and set the stage for the movement and who subsequently labored for civil rights in Albany long after MLK and the SCLC had left the city.

In his book *Beyond Atlanta*, Stephen Tuck chronicles the triumphs and challenges of the black freedom struggle in Albany in the several decades following 1961–62, the time period in which many scholars define the Albany Movement as beginning and ending.[122] Charles Sherrod, for example, went back into the nearby rural areas of Baker, Terrell, Lee, and Dougherty Counties to continue the voter registration project as the Albany campaign slowed. Although Sherrod and his SNCC comrades were no longer in the limelight, they continued to perform the often tedious, unglamorous, and dangerous day-to-day civil rights work that ultimately brought about social change in Southwest Georgia, including officials' elimination of segregation ordinances in March 1963.[123] In an interview at his home near neighboring Terrell County, Sherrod remarked that the county, known for its past racial violence toward blacks, is now one of the safest places for blacks in the state. "Terrell County has a black mayor, black sheriff, black police chief, and the majority of the elected officials are black."[124] Sherrod also made Albany his home, served on the Albany City Council, and continues to work with grassroots organizations advocating racial justice in Southwest Georgia today.[125]

Equally critical to the narrative of the Albany Movement and its importance in the struggle for racial justice is a focus on the empowerment of such local students as Evelyn Toney, Julian Carswell, Robert Wilson, Bertha Gober, Blanton Hall, Bernice Johnson Reagon, and hundreds of other indigenous protesters. Bertha Gober's impassioned speech at a mass meeting following her jailing captures the meaning of the movement for the many hundreds of local people who dared to challenge white supremacy in Albany, even at the risk of incarceration in rat-infested jails. As noted earlier, Gober spoke about how her time in jail was necessary to show people that human dignity must be obtained even if it required suffering.[126] While Gober's empowerment and personal triumph did not represent the kind of legislative or judicial accomplishment that was the major goal of the NAACP or the SCLC, it represented a vital victory for the local people of Albany in their struggle for self-empowerment and freedom.

The hundreds of Albany protesters mobilized not merely to prod the federal government to action but "to create new social identities for participants

and for all Afro-Americans."[127] The mass protests emanated from a quest for self-determination as well as political or legal victories.[128] In his autobiography, *Standing Fast*, Roy Wilkins, commenting on the skillful tactics of Sheriff Pritchett and the failure of the Albany Movement to win a major political or legal victory to end segregation, observed that direct action in Albany "had suddenly come up against a hard, unmoving rock. If the entire South had been as deft and devious as Albany in avoiding integration, we would have been in very serious trouble. As it was, the situation in Albany affirmed more than ever my own belief that we would gain our goals only when the White House and Congress, as well as the Supreme Court, were all acting on our side."[129]

Wilkins, however, failed to acknowledge the goals of local people and SNCC activists—the "feeling of decency and self-respect" reflected by Bertha Gober; the "real chance to fight and to struggle and not respect boundaries that put [her] down" expressed by Bernice Johnson Reagon; and the victory in the "psychological battle for the minds of the enslaved" described by Charles Sherrod. Out of the Albany Movement protests "emerged a black consciousness and solidarity" that went beyond any specific goal that may have been the aim of national civil rights organizations.[130]

Hollowell correctly observed that too many people overlooked the lesson of the movement: that a deeper and more sustaining process was taking place, and masses of long-intimidated blacks were on the rise.[131] Similarly, many people also overlooked Hollowell and C. B. King's crucial work in the Albany Movement. Hollowell himself was seldom forthcoming about his personal feelings, especially in relation to his own contributions or achievements. However, on the occasion of C. B. King's burial, in a rare instance he expressed his innermost feelings to Howard Moore, C. B. King's son, and others regarding his and C. B. King's work in the Albany Movement. Hollowell observed in a plaintive voice, "No one knows how hard we worked." Moore recalled, "The tone and depth of feeling with which Hollowell spoke revealed the pain and anguish he felt. It left me fighting back tears."[132]

This chapter offers a glimpse of Hollowell and C. B. King's moral and legal support of hundreds of jailed protesters, their collaboration with Albany Movement leaders and civil rights organizations, and their ongoing negotiations with city officials. Nevertheless, many untold stories remain about their work—work that often provided the impetus for demonstrators to persevere in the struggle and the inspiration for others to join the movement.

[ CHAPTER SEVEN

# Turning the Tide
## Hollowell's March across Georgia

By the early 1960s, Hollowell was increasingly taking on cases in remote areas of Georgia that covered the spectrum from defending the rights of blacks guaranteed by the United States Constitution to defending blacks from an oppressive criminal justice system. His willingness to take on civil rights cases and his reputation for success led to his involvement in virtually every case in the state that involved civil rights violations. John Ruffin, one of the few attorneys who practiced civil rights law in Georgia in the 1960s and later chief justice of the Georgia Court of Appeals, observed that it was difficult to think of a civil rights case during that period that Donald Hollowell did not impact. Ruffin noted: "Whether [Hollowell] did the main work, in terms of preparation at the trial level or not, Donald Hollowell's name had to be on the pleadings. And everybody that practiced civil rights law wanted Don Hollowell's physical presence there because he was such a persuasive and gentlemanly lawyer."[1]

In one particularly egregious denial of due process, a few months before the Albany Movement, James Fair, a black man in Early County, was arrested, indicted, tried, convicted, and sentenced to die in a rape and murder case—all within sixty-three hours. Hollowell and C. B. King, with the assistance of law clerk Vernon Jordan, traveled to Reidsville, Georgia, to represent the defenseless Fair.

On Sunday, May 15, 1960, at about one o'clock in the morning, Blakely, Georgia, police arrested Fair for the rape and murder of an eight-year-old girl last seen in Fair's company. Later in the day, Fair was taken to the sheriff's office, where he allegedly made a full confession before the Early County sheriff and deputies. Without delay, on the following day the Early County grand jury indicted Fair for both the rape and the murder of the child. On Tuesday, May 17, at about four o'clock in the afternoon, upon adjournment of the grand jury, the judge ordered Fair to court for the purpose of arraignment. Before five o'clock that afternoon, without having access to private legal counsel, a court-appointed lawyer, or even the presence of friends and family, Fair entered a plea of guilty, and Judge W. I. Geer swiftly imposed the death sentence.[2] Geer, an openly segregationist judge, had included in his campaign platform the declaration that he did not want the support of blacks.[3]

Objecting to the lightning speed of Fair's trial and the absence of any legal representation, Hollowell, C. B. King, and Vernon E. Jordan, in association with the NAACP, filed a habeas corpus petition in the Reidsville City Court contending that Fair had not been afforded due process and equal protection under the Fourteenth Amendment. During the habeas corpus hearing, Fair testified that he did not commit the crimes, but after being cursed, threatened, and told, "Nigger, you deserve to be tarred and feathered" by Sheriff Sid Howell, he pled guilty.[4] Fair stated that he pled guilty because he was frightened by Howell's purported reputation for violence; moreover, Howell had told him that he had previously been able to get a black man a life sentence rather than the death sentence because the man pled guilty. Under cross-examination by Hollowell, Sid Howell's son, Sid Howell Jr., admitted that his father had shot several men, and Blakely police chief G. H. Owens conceded that Sheriff Howell had "killed several, black and white" during his twenty-four-year tenure as sheriff.[5]

Alice Fair, Fair's mother, also testified that she had telephoned Sheriff Howell regarding traveling from Bayonne, New Jersey, to Georgia to secure legal counsel for her son. She related to the court that Howell responded, "It's no need to you coming down getting a lawyer, because you couldn't get a white lawyer in the State of Georgia to take the case and a nigger didn't have a chance."[6] Despite Fair's and his mother's testimony, witness statements regarding Sheriff Howell's propensity for violence, and Hollowell and King's pleadings on Fair's behalf, habeas corpus judge R. L. Carr ruled against Fair.[7]

In addition to the segregated courtroom where court officials relegated blacks to seats in the balcony, every day at the lunch break when white court

officials and lawyers went across the street for lunch at the whites-only cafe, Hollowell, King, and Jordan had to make their lunch with items purchased from the local grocery store. After eating bologna sandwiches in Hollowell's car outside the courtroom for the first two days of the trial, on the third day, one of the black spectators, who had observed the three lawyers eating in Hollowell's car, invited them for dinner at her home after court adjourned. Jordan recalled:

> When we got there, we saw a beautiful sight—a table set for royalty. Her best silver, china and crystal, a lace tablecloth, beautiful fully folded white cloth napkins, and the most exquisite Southern cuisine I've ever eaten. Some ten black women and their husbands joined hands with us for grace. Our hostess's husband said the blessing.
>
> I shall never forget one sentence in that prayer: "Lord, we can't join the NAACP down here, but thanks to your bountiful blessings, we can feed the NAACP lawyers."[8]

Blacks, especially in remote areas of the South, were understandably cautious about involvement with the NAACP or associating with NAACP lawyers. They faced reprisals from whites that might include being beaten, losing their jobs, having their churches bombed, or even being lynched. Despite the dangers, however, a significant number of blacks in towns across the South chose to cast their lot with the civil rights movement.[9] In addition to numerous documented accounts of local blacks openly protesting white repression at great risk to their personal safety, blacks also found more subtle ways to espouse the cause of social justice. These ten families in Reidsville found their own unconventional way to support the NAACP lawyers.

While blacks supporting NAACP lawyers faced danger, the lawyers themselves, as well as whites who sought justice for blacks, also placed their personal safety at risk. Shortly after Geer imposed the death sentence on Fair, Fair's parents, Alice and Percy Fair, secured the services of attorney Nathan Pearlman to investigate the circumstances surrounding the apprehension and conviction of their son. Pearlman, who regularly consulted with Hollowell on Fair's legal defense, hired private investigator Louis Raino to investigate the matter. Raino traveled to Blakely to attempt to interview witnesses.

On the evening Raino arrived in Blakely, Howell ordered him to appear at the county jail. After Raino's arrival at the jail, Howell violently abused him, stating, "I am going to kill you, you son of a bitch. You are nothing but a nigger lover, Jew lover and white trash. We don't want people around like

you. It is people like you that try to give us a bad name."[10] Expressing similar abhorrence for Hollowell and C. B. King, Howell told Raino that "if he ever got his hands on those nigger lawyers he would fix them. He said that nobody was going to blacken his name and that those two nigger lawyers better watch out if they ever came to Blakely again."[11]

Meanwhile, undeterred by Howell's threats and convinced that Fair had received no measure of justice, Hollowell and C. B. King appealed the matter to the Supreme Court of Georgia. They convinced the court that Fair's quick trial and death sentence, coupled with his lack of counsel, resulted in the denial of his rights to due process and benefit of counsel. In a unanimous verdict, the court reversed Fair's guilty judgment and found that his constitutional right to counsel, guaranteed to him under both the federal and the state constitutions, had been violated. Hollowell and King's legal efforts not only resulted in a reversal of the habeas corpus ruling; the court also declared the original conviction and death sentence unconstitutional. The legal victory saved Fair from electrocution.

A few months after the *Fair* ruling, Hollowell traveled to Monticello, Georgia, for what would become his most celebrated criminal case: the Preston Cobb case. Hollowell worked on this demanding case while serving full-time as advocate and lawyer in the Albany Movement. Preston Cobb, a fifteen-year-old black youth, lived with his mother, Leathy Cobb, on a farm owned by seventy-year-old Frank Coleman Dumas. True to the social customs of the Deep South at that time, Leathy cooked, washed, ironed, and did other domestic chores for Dumas. Following an alleged quarrel between the young Cobb and the elderly Dumas on June 1, 1961, Dumas's shotgun-riddled body was dumped in a ditch near his farm. Moreover, according to police officials, the body had been transported to the ditch in Dumas's own station wagon. On June 2, the same day Dumas's body was found, authorities discovered Cobb driving Dumas's station wagon. He was apprehended and charged with murder.

Upon interrogation by Jasper County officials, Preston Cobb admitted to the murder, claiming Dumas had told him that "he was going to blow [Cobb's] brains out."[12] On August 16, 1961, an all-white jury in Jasper County Superior Court deliberated only forty-five minutes before sentencing Cobb to die for the shotgun murder of Dumas. Even more troubling than the quick trial, Judge George Carpenter set the date for Cobb's execution as September 22, 1961, less than forty days after sentencing. J. Ben Warren, Cobb's court-appointed white attorney, failed to appeal the verdict.[13]

Vernon Jordan, whose father was also from Monticello, heard of the case from a cousin and drove from Atlanta to Monticello to investigate the matter; he then convinced a frightened and frantic Leathy Cobb to travel to Atlanta to ask Hollowell to represent her son.[14] Leathy Cobb desperately needed legal representation for her son but feared reprisals from whites in the town for seeking help from a black attorney. Indeed, it was a dangerous if not deadly undertaking for blacks during this time to challenge white authority, even in defense of a child. Monticello had been the site of the lynching of Daniel Barber, his son, and two married daughters in 1915.[15] The vicious lynching of the Barbers and continued white oppression and vigilantism, exemplified in the shooting of Charlie Ware, certainly justified Leathy Cobb's fears.[16] Nevertheless, despite her apprehension she retained Hollowell, and soon afterward the LDF, to represent Preston.

During her first meeting at Hollowell's law firm in Atlanta, Horace Ward interviewed Leathy Cobb to collect background information and learn what she knew about the incident.[17] She revealed that Dumas had cursed and threatened Preston the day before the murder, and that Dumas's son was an alcoholic who on more than one occasion had threatened to kill his father. She recalled that the father and son often had heated arguments as a result of "Coleman, Jr., constantly trying to borrow money from his daddy and his daddy wouldn't let him have it."[18]

Five days before Cobb's scheduled electrocution, Hollowell won a stay of execution for his client. In an interview, Cobb later observed that in the context of Jim Crow, his guilty verdict came as no surprise:

> When you being tried and you're a black person and you being tried by a white judge who knows the deceased, white prosecutor who knows the deceased, white lawyer who knows the deceased—all within a fifteen- to twenty-mile span of each other—what do you expect to come out of it? I mean, you know, when you've been accused of doing something to somebody white, too? . . . I had no idea what even was going on, until that judge said, "Well, you going to be electrocuted." Hell, I didn't even know what the word "electrocuted" meant.[19]

To block the execution and gain time to prepare a defense, Hollowell filed a motion for a new trial. His first legal action was to question the constitutionality of excluding blacks from the jury rolls. Cobb remembered:

> There were no blacks on the jury, no nothing, no nothing. And when they did have a list compiled of blacks and whites, they always put a "w" by the

> white name and a "c" by the black name for colored. You know they weren't using the Negro word then. They used the "c" for colored. That's how Mr. Hollowell and them found out what they were doing with the jury pool and stuff. They go down the list, they know who they picking, that's how I ended up with an all-white jury.[20]

To prove conclusively that blacks were systematically excluded from the jury rolls, Hollowell, Jordan, and Ward traveled to Jasper County to review jury records. In a crude affirmation that no blacks were on the jury, the clerk of the court assured the men, "There ain't no niggers on the books."[21] Armed with such evidence, Hollowell immediately filed a flurry of motions with the local superior and state courts, objecting to the "systematic exclusion of Negroes from the jury panels in Jasper County" and appealing for a new trial.[22] Hollowell's motions included an appeal to the Georgia Supreme Court, but despite repeated pleadings for a new trial, the lower courts and the Georgia Supreme Court denied all his motions.

At that point, as he had done repeatedly when equal justice eluded blacks in the state courts, Hollowell turned to the federal courts for relief. The U.S. Fifth Circuit Court of Appeals ordered a new trial, citing the systematic exclusion of blacks from juries in Jasper County. In Cobb's new trial, Hollowell challenged the composition of the trial and grand juries on different grounds. The previous challenge was on the grounds that there were competent blacks living in the county who qualified for grand jury service but who had not been selected. In this challenge, Hollowell contended that Georgia created an opportunity to racially discriminate through state action by directing that both grand and trial jurors be selected from the tax rolls, which were maintained on a racially segregated basis.[23]

Thomas Jackson, a Macon attorney who often collaborated with Hollowell on civil rights cases, assisted Hollowell in the new trial and ensuing court actions.[24] In an April 9, 1965, letter to Hollowell regarding compensation for the hours he worked on the *Cobb* case, Jackson observed, "During the four days of actual trial I was more or less a spare man on call for doing tasks which would keep you and Howard [Moore] at the trial. I feel that I received some compensation during those days by way of experiencing firsthand a splendidly conducted trial by two craftsmen."[25]

The Cobb case was a classic example of a defenseless young black man charged with murder of an established white figure in a racially oppressive environment, and the case drew national and international attention. Eleanor Roosevelt became involved in the case, Dutch court officials represent-

ing the people of the Netherlands traveled to the United States to advocate for Cobb, and the NAACP established "Preston Cobb Day" to engender support for the case.[26]

The case would bounce back and forth between state and federal courts for eleven years while Cobb remained in prison and Hollowell's law partner, Howard Moore, replaced Hollowell as chief counsel. By the time of the third appeal to the United States Supreme Court, Cobb pled guilty, and after receiving credit for time served, prison officials eventually released him in 1972. Cobb retrospectively observed, "I don't think I never would have got rid of that electric chair or that life sentence had it not been for Hollowell and his office."[27] Based on evidence presented by Hollowell, Ward, and Moore, the United States Supreme Court concluded that the practice of excluding blacks from jury pools using segregated tax digests was unconstitutional.[28] Hollowell had succeeded not only in preventing the unjust execution of a black youth but also in exposing the double standard of justice in Georgia's criminal courts.

Charlayne Hunter-Gault's remembrance of how Hollowell cared for his young clients as if they were his own children is evident in Hollowell's frequent visits to and correspondence with Cobb during his imprisonment. While Hollowell used the visits and communication with Cobb to address legal matters, he also went far beyond legal counsel to help foster Cobb's educational, spiritual, and physical development. Concerned about Cobb's written communication skills, in response to a letter from Cobb, Hollowell wrote, "Incidentally, I noticed one place in your letter you say, 'I haven't been taking no exercise lately but I will start back, probably tomorrow.' In that sentence, you have what is known as a double negative. If you used the word 'any' you will remove the double negative. Thus, the sentence would then read, 'I haven't been taking any exercise lately.'"[29] Expressing his appreciation, Cobb responded a few days later: "Thanks for correcting me on that sentence in my last letter to you. I am glad that you brought it to my attention. . . . If you find another incorrect sentence in my letters, when you write back, call it to my attention. For then I will know not to make that same mistake again."[30]

In a November 2, 1964, letter to Cobb, Hollowell related the value of studying the word of God as well as persevering in improving his education, revealing the importance of God in Hollowell's own life:

> Preston, there is nothing quite like the solace which one can receive from studying the word of God and knowing that he is near; that he is able to

> make our burdens light and further capable of protecting us under all circumstances. There is also nothing that is quite like the challenge of the learning process. One day you will be out of prison, and the better educational background that you have, the better will be your prospects of taking advantage of the opportunity of learning more and of achieving a high mark in life after a very humble and sometimes a very late beginning. I was 29 years old before I ever went to law school and was 34 when I started to practice. Thus, you can see that it isn't so much when you start, but what you do with the opportunity that you have at a given time. Without regard to the negative aspects of your present situation, you have an unusual opportunity to increase your knowledge, increase your thinking, and increase your relationship with God. At the same time, keep exercising daily so that you can keep your body strong.[31]

In dozens of letters between Hollowell and Cobb, Hollowell provided both legal and personal advice to Cobb, and it is clear that Cobb took the advice to heart and felt sincere gratitude for Hollowell's help.

Although the 1960s environment included such mass crusades for freedom as the Albany Movement, the Atlanta sit-ins, and the SCLC's historic Birmingham campaign, numerous other battles occurred outside the limelight of the national media. In crusading militant action aimed at eliminating racial discrimination in transportation, employment, and public accommodations as well as increasing black voter registration, blacks in Augusta, Georgia, were emboldened to fight for racial equality in that city. In February 1962, Hollowell led blacks to victory in federal court in a case against Augusta's public transit system. In *Taylor v. City of Augusta*, Hollowell and his law partners defeated Augusta city officials in their efforts to sustain segregation in public transportation. The case stemmed from the arrests of five black students who refused to move to the back of a city bus. Before a three-judge U.S. District Court panel that included Judges Bootle and Tuttle, who had rendered decisions favorable to Hollowell's clients in the *Holmes* case, the panel declared the segregation statutes of the City of Augusta, the Public Service Commission, and the State of Georgia unconstitutional. In a broad, sweeping decision, the panel's declaration prohibited Augusta officials from racially segregating passengers on its buses.[32]

Less than a month later, Hollowell served as chief counsel in *Alexander v. Bibb Transit Company*, the federal case that banned segregation in the transit system in Macon, Georgia. The Macon case emanated from the ar-

rests of twelve black students who refused to move to the back of the Bibb Transit buses.[33] On February 7, local black leader and businessman William P. Randall; Walter Davis, president of the local NAACP; Rev. A. J. Shaw, president of the Macon Evangelical Ministers' Alliance; and Ruby Williams, president of the City Federation of Women's Clubs, sent a letter to transit company president Linton D. Baggs Jr. requesting an end to segregated seating on buses and promoting the employment of black drivers. When Baggs ignored the requests, "Randall began to advocate a boycott" and reached out to the black clergy.[34]

Inspired and perhaps embarrassed by the youthful protesters' courage while quiescent adults stood on the sidelines, a few strong-willed black ministers stepped up to challenge the Jim Crow bus statutes in Macon.[35] On February 9, in the spirit of Rosa Parks, Reverends Van J. Malone, Ellis S. Evans, Elisha B. Paschal, Hosea R. Rancifer, and Jeff Lorenza Key boarded a public transit bus and took seats near the front. As in the celebrated Parks case, they refused to surrender their seats to white passengers, and police arrested the ministers for violating the city's segregation statute requiring blacks to sit in the rear. Shortly after their arrest, Randall obtained the ministers' release on bond. In collaboration with Hollowell and in preparation for a test case against the bus system, Randall and other black leaders strategized with Reverends Cameron Alexander and Booker Chambers for them to take front seats on a bus. The driver of the bus instructed Alexander and Chambers to move to the rear of the bus.[36]

Later that afternoon, Alexander and Chambers conferred with Hollowell and asked him to represent them and file the test case. Hollowell, who was already involved in a case emanating from the arrests of the twelve student protesters, not only agreed but also became actively involved in local efforts to boycott the buses. On February 16, Alexander and Chambers executed an affidavit notarized by Hollowell for use in the case *Alexander et al. v. Bibb Transit Company*. Alexander and Chambers contended in the affidavit that "at about 11:35 a.m. on Thursday, February 15, 1962, the affiants boarded the Vinesville Bus of the Bibb Transit Company at the corner of Vinesville and Euclid Streets; that when they had ridden only a short distance, the driver of said bus directed them to take seats in the rear of the bus though there were many vacant seats all over the bus; that desiring not to ride the bus under restrictions based upon race, it was necessary for the affiants to dismount said bus."[37] Alexander and Chambers further declared that it was "the basic right of all citizens desiring to avail themselves of the local transportation

system to be able to do so unrestricted by discriminatory practices based upon race."[38]

Two days later, and three months after speaking at a mass meeting in Albany, Hollowell the activist addressed a mass meeting of an estimated three thousand blacks, hosted by Reverend Malone at the First Baptist Church in Macon. Hollowell spoke about black history and the struggle for freedom and justice to a standing-room-only crowd that spilled out into the streets.[39]

In the ensuing weeks, "almost if not all Negro citizens," who comprised the majority of transit passengers, refused to ride the segregated buses.[40] The protesters demanded an end to segregation on the buses and also called for the hiring of black bus drivers and mechanics. In addition to helping to rally direct action, Hollowell the lawyer, seconded by his new law partner Horace Ward, filed affidavits in federal court for a restraining order against the bus company. Before federal judge Bootle on March 1, 1962, Hollowell and Ward won yet another ruling that declared racial segregation in transportation unconstitutional and an injunction that barred the Bibb Transit System from segregating its passengers.[41]

The activism of Macon's local black leaders and the interest in their own welfare shown by masses of Macon blacks led *Pittsburgh Courier* editor Trezzvant Anderson to praise the Macon movement for its local leadership. Macon African American leaders contended that they were fully able to manage civil rights affairs and expressly stated that they did not invite outsiders to direct activities.[42] In contrast to the Albany Movement, the Atlanta student sit-ins, and other movements in which civil rights outsiders and national leaders played prominent roles, the Macon movement, similar to civil rights activism in Savannah, was largely an indigenous movement.

While Macon movement leaders rightly took pride in their homegrown civil rights work, Donald Hollowell was an outsider who nevertheless played an important role as an activist lawyer. His leadership behind the scenes and in the courtroom, which did not steal the thunder from local leaders, made his involvement as an outsider more acceptable. Moreover, while local leaders could exhort the masses, stage protests, and negotiate with white officials, they did not possess the training or license to fulfill the legal requirements of their movement. As Georgia's chief civil rights lawyer among only a handful of such lawyers, Hollowell provided services needed to gain the release of jailed protesters and to legally challenge Jim Crow.

Freedom rider John Lewis described the courage and importance of the few black lawyers to the civil rights movement:

> Without the fight, involvement, and commitment and dedication of Donald Hollowell, A. T. Walden, Fred Gray, the civil rights movement would have been like a bird without wings. . . . For a black lawyer like Donald Hollowell, Fred Gray, A. T. Walden, or C. B. King to go in some of these places and stand up, they were putting their bodies on the line. We would sit in; we would go on Freedom Rides; we would march; we would get arrested and go to jail. And it took these men to argue our cases, to go before the court, and in many instances these white racist judges were so hostile. . . . I tell you, for them to go into some of these places that they traveled into South Georgia and other places, it was dangerous.[43]

Hollowell's defense of protesters in Macon and his handling of the legal case against the segregated transit system, combined with the work of local activists in Macon, resulted in an end to bus segregation in the city. As in the historic Montgomery bus boycott, it was the combination of mass direct action and a protracted legal battle that ended segregation in Macon's transit system. Hollowell's legal acumen was inspirational to local blacks. In a letter to Hollowell congratulating him on his legal victory, NAACP president Walter Davis wrote, "May I personally commend you on a job well done in our defense on Mar. 2. I was made proud to be a negro, and I feel that even Baggs and Miller [Macon city attorney] respect your ability. May God continue to bless your dedicated ability."[44]

The desegregation of the buses bolstered black protests against segregation in Macon and Augusta. Less than a month after Hollowell's victory in the *Taylor* case, four members of the Paine College NAACP chapter in Augusta sat in a white section of a city arena during a Harlem Globetrotters basketball game.[45] The tickets had been purchased by the chapter vice president, an extremely light-skinned African American who could easily pass for a white man. Surprisingly, the students were able to integrate seating at the game without incident.

Exuberant over the success, on the following day, in collaboration with the Paine College NAACP chapter, the NAACP Youth Council (composed primarily of high school students) ventured into May Park, an all-white recreational facility. Surrounded by white adults shouting that "no niggers" were allowed in the park, several of the black youths were hit and beaten.[46] Not surprisingly, police responded by arresting several of the black protesters. Although no serious injuries occurred, the incident prompted NAACP leaders to demand a meeting with the mayor and city officials to protest segregation in the

city. On March 29, after a series of meetings between members of the Chamber of Commerce, store owners with lunch counters, and NAACP leaders, Augusta's lunch counters were desegregated without any serious incident.

However, tensions remained high, and threats of violence continued to surround the NAACP's direct-action campaigns. Enraged by the notion of blacks dining with whites, some whites violently resisted desegregation of the lunch counters. On April 7, William Didley, a member of the Paine College NAACP and vice-chair of the Paine student movement, was stabbed by a white man outside the H. L. Green lunch counter. Constance Curry, the first white member of SNCC's executive committee, saw the assailant emerge from a crowd of whites and stab Didley. In keeping with the customary treatment of blacks abused by whites at the time, Didley was quickly charged with disorderly conduct and carrying a weapon, and his attacker was never charged. In another incident at the Varsity Club Market on April 17, whites hurled rocks and other missiles at the protesters, and the protesters retaliated. The incident reached its peak when a white man tried to run down a black protester with his car, and policemen blocked the streets and fired their weapons in the air in an attempt to quell the disturbance.[47]

Two days later, the spiraling violence led Rev. Theodore Green, advisor to the youth council, to summon NAACP field secretary Vernon Jordan for help. To stem the escalating racial tension and violence, Jordan and local NAACP leaders patrolled the crisis area surrounding the Varsity Market to discourage picketing and other forms of protest. Amid picketers and NAACP patrols, police also stopped cars of white hoodlums and confiscated various types of deadly weapons. Although Jordan and local NAACP members contained the violence surrounding the Varsity Market, Lessie Lee Luttes, a sixteen-year-old white youth, was slain across town in a predominantly black neighborhood.[48] Luttes was shot in the front of his head with a .45-caliber pistol, and some gunshot pellets were found in the back of his head. George Lewis, one of his companions, was also wounded by gunshot pellets to his head and body.

For three consecutive nights prior to the fatal incident, marauding cars of rock-throwing white youths had raided black neighborhoods. While the tragic incident was unjustifiable, it is evident that the white youths were up to violent mischief: a rifle and a bag of rocks were found in the vehicle in which Luttes was killed.[49] In retaliation for the raids on black neighborhoods, on the night of April 19, a group of twenty to thirty blacks aged fourteen to twenty-two and one black adult fifty-five years of age, some armed

with shotguns and pistols, gathered at the Delta Manor playground. The group converged on the playground allegedly to prevent a recurrence of the previous night's incident in which "a group of whites had come onto the playground and run black boys away."[50] Police subsequently charged nine of the blacks, including six teenagers, with murder, while six others were indicted for a riot in connection with the slaying.[51]

The defendants' parents retained John Ruffin Jr. and John D. Watkins, two young black attorneys in the city who had been in practice less than a year. Given their lack of experience, especially in such a racially polarizing, high-profile case, and in light of the fact that George Hains, the solicitor in the case, was chomping at the bit for death sentences, Ruffin, Watkins, and local NAACP officials contacted the national office of the NAACP for legal assistance. NAACP general counsel Robert Carter and LDF lawyer Frank D. Reeves became involved in the case and asked Hollowell to go to Augusta to serve as chief local counsel.

The nine defendants in the murder case became known as the "Delta Manor Nine." When the case came to trial, in a racially charged courtroom with the lives of the defendants on the line, Hollowell carefully and meticulously presented the opening arguments on behalf of his clients. He contended that the charge of murder required malice aforethought, a motivation that was not evident. Moreover, he argued that the young white men provoked the incident and insisted that the city itself was at fault for failing to take steps to quell rowdy whites, who for several days had come into black neighborhoods throwing rocks and engaging in other forms of harassment.[52]

John Ruffin, Hollowell's mentee, who worked with Hollowell on the case, summed up Hollowell's lawyering in the Delta Nine case:

> I got a chance to work with Donald Hollowell on a murder case. . . . There were eight, maybe ten, black boys who were charged with killing a white youth, and it was quite an experience. I learned what preparation really means. I learned what the ability to analyze and articulate really means, and it was almost as though that experience put the capping on my law school career because I could see the things I had studied in law school become much more meaningful to me in that setting. To sit back and watch him was just like listening to a symphony. If anybody wants to know how to try a case, how to act with civility, they need to study Don Hollowell.[53]

Hollowell's meticulous lawyering was not in vain, for the all-white jury delivered a surprising verdict: all nine defendants were acquitted of the mur-

der charge. Given the tenor of the times, many white and black observers alike were shocked to learn that none of the defendants was sentenced to be executed or to life imprisonment. Hollowell recalled prosecutor George Hains quietly and courteously whispering to him after the trial, "You did a great job. After I heard your opening argument, I knew we'd never be able to give anyone the chair."[54]

Just a few months after the Delta Nine case and Hollowell's earlier victory in desegregating the Macon Transit System, Hollowell, overwhelmed with civil rights litigation including the Preston Cobb case, sent his law partner Howard Moore to Macon for a coroner's inquest. The inquest related to the shooting of A. C. Hall, a black teenager in Macon, Georgia. Moore recalled that he walked into the office one morning and Hollowell handed him one volume of the Georgia statutes, instructing him to read the statute relating to coroners en route to Macon. Hollowell told him that some people would meet him on the steps of the county courthouse in Macon and to take it from there. Hollowell then rushed out of the office for a court appearance in downtown Atlanta.

According to Moore, Hollowell seldom had office meetings and did not discuss with partners which cases they would undertake but rather assigned them perfunctorily to the first person he encountered in the office or at Paschal's restaurant across the street. Moore observed:

> The main reason things were hectic was there were so few African American lawyers in Georgia, which had an estimated African American population in excess of one million. Hollowell was known throughout the state as a lawyer who would stand up to "the Man."
>
> Working class people throughout the state trusted him and lawyers associated with him completely and engaged him to represent them in a broad spectrum of legal matters.[55]

A. C. Hall, a fifteen-year-old African American, had been fatally shot by a Macon policeman. On October 13, 1962, police dispatched J. L. Durden and J. T. Brown to the home of Mr. and Mrs. Barnett Hopper to respond to a call regarding a pistol reportedly stolen from their vehicle, which was parked in their driveway. Cruising with the officers, the Hoppers identified Hall on a nearby street as the suspected thief, whom Mrs. Hopper had seen walking away from their vehicle. Seeking to apprehend Hall, the foursome reported that Hall ran, then turned, and made a motion that the officers interpreted as an attempt to draw a weapon, which led one of the officers to fire a fatal shot.[56]

On October 19, 1,500 blacks marched on Macon City Hall protesting Hall's shooting. Marching with black armbands, the group met at the First Baptist Church for a prayer service and were led to city hall by William P. Randall and other leaders of Macon's NAACP branch. Branch officials enlisted Hollowell's help, and Hollowell sent Moore to represent Hall's mother at the inquest. Despite the haphazard assignment and little preparation for the hearing, Moore convinced the judge to recess the hearing until the following week, and Hollowell returned to Macon with Moore for the inquest.[57]

Moore recalled Hollowell's lawyering and witnessed firsthand blacks' affection for Hollowell when Moore was dispatched to represent Hall's mother at the inquest. His recollection is powerful testimony to both:

> When I got down to Bibb County and went to the courthouse, there were about three hundred Negroes on the steps. And I went into the courthouse, and there were about three hundred, or as many as they could get, in the balcony upstairs. And when I walked in the courtroom the people upstairs, the black people, said, "That ain't Hollowell." [laughs] You know? "Where's Hollowell? That ain't Hollowell." . . . So I said, well, I'll act like Hollowell, I'll just object in the loudest voice I can. And then people upstairs in the balcony said, "Well, it ain't Hollowell, but he sounds like Hollowell." [laughs]
>
> And that was the A. C. Hall case, where a fifteen-year-old African American had been shot in the back by a police officer in Macon. And I hollered and screamed and objected as much as I could that afternoon, and we got a recess until Friday of that week or the following week. And when I came back, I came back with Hollowell. And it's one of the most brilliant cross-examinations I've ever witnessed in my life—Hollowell examining the police officer who shot A. C. Hall. Because the story was that Hall was approaching the police officer armed with some type of weapon. And the officer, fearing for his safety and the safety of others, shot A. C. Hall in self-defense.
>
> But the true story turns out to be that when the officer shot A. C. Hall, Hall was approximately fifty feet from him, and his back was to the officer. And Hollowell literally had the officer on the stand, under his cross-examination, physically turn A. C. Hall around, so that his back would be to the officer at the time he was shot. And when the officer at the moment of realization of what the effect of his answers to Hollowell's cross-examination were, it seems as though tears came to his eyes. And I've never seen that before or since, when a lawyer just takes complete control

> of a witness and binds that witness to his will, not with shouting and with screaming, but with systematic, well-structured, well-placed questions.[58]

Hollowell's legal skill and victory in the desegregation of the transit system had made him a celebrity among blacks in Macon. Outraged by the killing of Hall, hundreds of blacks showed up for the coroner's inquest; some filled the seats in the courtroom balcony, where blacks were permitted to sit, while others stood outside on the courthouse steps. Before the mass of enraged blacks in the courtroom balcony, Hollowell pointed out that Hall had been shot in the back and that no evidence had been presented that he had a gun. Hollowell argued at the inquest that there was no justification for "this boy to have been killed," charging, "I say it is murder."[59]

Astoundingly, Hollowell and Moore convinced the all-white coroner's jury to indict Durden and Brown. The jury concluded that Hall died from a bullet fired by either Durden or Brown and that in their opinion, it was murder. Accordingly, Durden and Brown were booked on murder charges and incarcerated in the Bibb County jail. Hollowell, who had convinced a panel of federal judges earlier in the year to allow blacks to ride on Macon buses on a nonsegregated basis, had now convinced an all-white jury to jail two white policemen. Hollowell's success in changing social patterns was astonishing in the Jim Crow town and emblematic of his influence on legal and social change in Georgia.

The Delta Nine and A. C. Hall cases are exemplars of dozens of cases that Hollowell championed in the 1960s. Hollowell's transformative legal work during this time helped turn the tide in Georgia toward racial equality. He continued to challenge a wide spectrum of discriminatory laws, and more often than not, he continued to win. Hollowell battled everything from housing discrimination to a health-care system that relegated blacks to second-class treatment at public hospitals, such as Atlanta's huge metropolitan Grady Memorial Hospital.

Despite rigid segregation in Atlanta, protests such as the Atlanta student sit-ins, and the arrest and imprisonment of Martin Luther King Jr., the city had been relatively successful in its efforts to portray itself as moderate with regard to race relations. Oddly enough, it was blatant racial discrimination in housing that attracted intense national and international criticism and marred Atlanta's reputation, as conceived by Mayor Hartsfield, as the city "too busy to hate."[60] Ironically, Hartsfield's successor, Mayor Ivan Allen, convinced the city's board of aldermen to enact an ordinance permitting the construction

of barricades between the black and white sections of the city. In December 1962, racial barricades were erected in southwest Atlanta across Peyton and Harlan Roads to create a so-called buffer zone between black and white residential areas.[61] While the national press and black- and white-owned Atlanta papers alike denounced the roadblocks, most whites in the area embraced them as protection against blacks moving into their white neighborhoods.[62]

The city's decision to erect the barricades was spurred, in large measure, by black physician Clinton Warner, who purchased a home in the all-white Peyton Forest residential neighborhood of southwest Atlanta. Warner, who had a higher level of education than many white residents of the neighborhood, was a U.S. Army veteran who had participated in the D-Day invasion. But to white residents, first and foremost he was black, and his level of education, training, or patriotism did not matter.

Incensed Atlanta activists, both black and white, picketed the racial barricades. Likening them to the Berlin Wall, they carried protest signs with mottos such as "Atlanta's Image: A Berlin Wall" and "We Want No Warsaw Ghetto."[63] Howard Moore recalled:

> We called it the Berlin Wall case, but technically I think it was Warner against the City of Atlanta. [Dr.] Clinton Warner was the first African American to move into the area. There were many whites in the area who objected to Dr. Warner moving into the area. And not only didn't they want him to move in the area, but they also didn't want other blacks to move into the area. So they went to the city council and convinced the city council to pass an ordinance that required the construction of a physical barricade across Peyton Road.[64]

Hollowell filed an injunction before Judge George P. Whitman in Fulton County Superior Court against the City of Atlanta for erecting the barricades. In addition to Hollowell's outrage at the attempt by the city to legally sanction Jim Crow housing practices, he had a personal stake in the matter, for Warner was his friend and personal physician. Hollowell's case received some help from unexpected and unlikely allies, in particular a white woman who lived in the area and was upset because she could no longer conveniently travel to her residence, because the wall obstructed the flow of traffic for whites as well as blacks. On the witness stand, in a richly ironic moment, she observed, "They treatin' us like niggers!" Even for some whites who opposed racial equality, the tremendous impracticality and inconvenience of the barricades outweighed their racial intolerance of blacks.

Despite the racially polarizing case against Mayor Allen and the City of Atlanta, Hollowell and Allen maintained a cordial relationship. Concerned about the escalating racial tensions, Allen sought Hollowell's counsel in an off-the-record discussion about the barricades. Hollowell recalled the mayor asking, "Don, what do you think I ought to do?" Hollowell responded, "Mayor Allen, when you're stuck in the mire, if you just try to crawl out, you get even muddier. Sometimes you just have to leap out all at once to the high ground. Then you can get some solid footing and move ahead."[65]

Though Allen did not preempt the court process, on March 3, 1963, Judge Whitman affirmed Hollowell's contention and ruled that the city's actions were unconstitutional. A few hours after the court order was issued, Atlanta's Berlin Wall, which had become a national embarrassment for Mayor Allen and the city, came down.[66] Noting Hollowell's victory, in a front-page story, the *Atlanta Inquirer* reported, "Attorney D. L. Hollowell and his young associates, attorneys Horace Ward and Howard Moore, won the important court victory that toppled Atlanta's infamous Peyton and Harlan Road barricades."[67]

Revealing his desire for social justice, which transcended his courtroom victory, Hollowell observed, "The importance of the recent court decision in spelling out the law on racial barriers, buffer zones, and the like, cannot be overemphasized. I feel that over and above the decision itself, the most important aspect of the 'barrier' situation was the ultimate solidarity shown in this community. My sincere hope is that the time will soon come when one's color will not determine where we can buy or live."[68]

Shortly thereafter, blacks moved into the Peyton Forest neighborhood. Sadly, although Hollowell had defeated the legal sanction of residential segregation and protected the constitutional rights of blacks, the racism that buttressed housing segregation persisted. By the end of July 1963, most "white families had sold their homes to black buyers and abandoned the neighborhood."[69]

Segregation in public places throughout the state kept Hollowell and his partners busy, working in partnership with the LDF, seeking to dismantle the persistent practice. Hollowell law partner William Alexander partnered with the LDF on litigation that commenced in 1963, when Charles E. Newton and members of the Board of Managers of Baconsfield Park brought a petition against the City of Macon, as trustee under the will of U.S. senator Augustus O. Bacon. Newton and the board asserted that the City of Macon was failing and refusing to enforce the provisions of Bacon's will with regard to

the park and asked that the city be removed as a trustee. The City of Macon "alleged that it could not legally enforce segregation."[70] The park was created on land that was given to the City of Macon in trust by Bacon for the benefit of "white women, white girls, white boys and white children of the City of Macon."[71] Senator Bacon stated in the will that "while he had only the kindest feeling for the Negroes he was of the opinion that 'in their social relations the two races (white and negro) should be forever separate.'"[72]

Rev. E. S. Evans and other black leaders in Macon filed an intervention contending that the restriction in the trust limiting the use of the park to whites was illegal. After the City of Macon integrated the park, following a Supreme Court decision that the park could no longer be segregated, Bacon's heirs sued to have the land on which the park was situated returned to them. The Supreme Court ultimately upheld the right of Bacon's heirs to have the park land returned to them.

In its ruling in favor of the heirs, the Supreme Court refused to utilize the doctrine of *cy pres* to allow Macon to continue to operate the park. The Georgia *cy pres* statutes stipulate that "when a valid charitable bequest is incapable for some reason of execution in the exact manner provided by the testator, donor, or founder, a court of equity will carry it into effect in such a way as will as nearly as possible effectuate his intention."[73] Use of the land as a park open to all was a comparable purpose consistent with the purpose for which Bacon had deeded the property to the City of Macon, with the exception of one odious purpose: racial discrimination.[74] This case represented the kinds of cases throughout Georgia that, while not as predominant as school cases or defending the civil rights of black plaintiffs, nonetheless consumed considerable time and effort among the lawyers in the Hollowell firm.

In February 1964, Hollowell and Ward partnered with the LDF to challenge segregation at Atlanta's Grady Hospital, including the second-class treatment of black doctors, nurses, and dentists. Black doctors and dentists were barred from membership in local and state medical associations, and black nurses were denied opportunities to attend the white nursing school at Grady Hospital. The handful of black doctors practicing in the city were denied membership in the local medical society and thus excluded from membership in the American Medical Association. In the same fashion, the city's seventeen black dentists were excluded from the American Dental Association.[75] Protesting this discrimination, blacks demanded complete integration of Grady Hospital, including permission for physicians and nurses of both races to treat patients of both races. They also demanded immediate

improvements in the deplorable conditions at Hughes-Spalding Pavilion, the black wing of Grady Hospital.[76]

In an effort to guarantee black health-care professionals equal opportunity under the law, Ward and Hollowell were joined by Jack Greenberg, James Nabritt II, and Michael Meltsner in representing three groups of plaintiffs who filed suit before federal judge Frank Hooper against the Fulton-DeKalb Hospital Authority and the Georgia Dental Association. The original suit was filed by Dr. Roy C. Bell, who had unsuccessfully applied for membership in the all-white Georgia Dental Association. The plaintiffs now included black physicians excluded from local and state medical associations, black dentists excluded from local and state dental associations, and black nursing school applicants relegated to a substandard "colored" nursing school at Grady Hospital. One of the lawsuits also challenged the denial of staff appointments for black dentists at Grady Hospital.[77]

Following various legal obstructions by the defendants in an effort to get the case dismissed, the medical associations and Grady Hospital entered consent judgments with the plaintiffs, resulting in the desegregation of the nursing school at Grady, the admission of black physicians and dentists to the staff at Grady, and the enrollment of black physicians as members of the medical associations.[78] The dental associations stubbornly refused to consent, contending that the associations were merely voluntary clubs of professional men whose acts were not governed by the Fourteenth Amendment.[79]

Ward and Hollowell argued that because state law prescribed that the Georgia Dental Association would nominate practicing dentists to the Georgia Board of Dental Examiners, only white dentists could be nominated. Hooper summarily rejected the defendants' arguments that the association was a voluntary, private organization and found the exclusion of blacks from state and district dental associations to violate the Equal Protection Clause of the U.S. Constitution.[80] Horace Ward, Hollowell's former law client and now law partner, served as lead counsel in a substantial legal victory before the judge who had ruled against him in his own lawsuit to enter the University of Georgia.

Notwithstanding Hollowell's cooperative relationship with the LDF and the fact that he and his partners served as the LDF's local counsel of choice in Georgia cases, even with the LDF there were at times disagreements about appropriate fees for legal work. In the *Bell* cases, Ward expressed disappointment to the LDF about their allotted fee for handling the cases. In a February 17, 1964, letter to Michael Meltsner, Ward stated, "I am of the opinion that $750.00 is not an adequate fee for handling this case. . . . Attached hereto is

an exhibit list on some of the services rendered by local counsel in this case. On the basis of the foregoing, I feel that it would be in order that the matter of a fee for the case be re-examined with the idea in mind of allowing a higher fee than $750.00."[81]

Undoubtedly such all-encompassing cases as the *Bell* cases, along with a consistently high volume of civil rights cases, limited the degree to which Hollowell and his partners could accept other legal work to earn a living. For example, in a July 2, 1964, letter to Hollowell requesting an increase in salary, Howard Moore recounted:

> As you may recall, on December 30, 1963, by letter, I accepted the position of Law-Associate-Clerk at a basic salary of $6,000.00 per year, which I then considered "fantastically low for a person with my experience and training." I accepted this low salary for a conditional period of six months on the assumption that I would be earning several thousand dollars additionally from private practice.[82]
>
> As you know, the position of Law-Associate-Clerk has actually been so demanding that I have realized less than $400.00 during the six month period from private practice. . . .
>
> While the work is interesting and stimulating and profitable in that respect, my responsibilities are such that rewards as mentioned are in a personal family sense material and time consuming deprivations of those closest to me, my wife and daughter.[83]

In consideration of the value of the Hollowell firm's work with the LDF and in response to Moore's request, a few weeks later Jack Greenberg increased the monthly allotment to Hollowell from $750.00 to $875.00. In his letter informing Hollowell of the increase, Greenberg stated, "The purpose of this increase is to allow you to compensate Howard Moore in the amount of $100 per month more than heretofore."[84]

Later in 1964, Hollowell's law firm took legal action to dismantle the lingering segregation in public establishments in Atlanta. Despite the historic Atlanta sit-ins in 1960 and 1961, rigid segregation persisted in many organizations. When three students from Turner Theological Seminary, a predominantly black Episcopal seminary, sought service at Atlanta's Pickrick restaurant, Lester Maddox, the restaurant's owner and a staunch segregationist, dissuaded them from entering by brandishing a pistol. Maddox, later elected Georgia's governor in 1967, was determined to hold the line on segregation in his well-known restaurant.

As black Atlantans stepped up efforts to desegregate the restaurant, Maddox and his segregationist cronies wielded ax handles that Maddox kept on hand to repel any would-be black customers. Maddox's outrageous and physically threatening behavior against blacks seeking service at his restaurant brought him into the national media spotlight. Despite his buffoon-like personality and all the trimmings of a racist publicly denigrating blacks, Maddox was, in fact, a wily politician who represented the racial sentiments of the masses of white southerners.

Although Maddox won the 1967 gubernatorial election, in a lawsuit led by Hollowell's law partner William Alexander, he was resoundingly defeated in the 1964 court case against his segregationist establishment. LDF lawyers Jack Greenberg, Constance Baker Motley, and Michael Meltsner assisted the Hollowell law firm with the case. On October 5, 1964, the U.S. District Court, Northern District, Atlanta, rendered a permanent injunction preventing Maddox from refusing to admit blacks to the premises, failing or refusing to serve them, or refusing to provide any accommodations accorded to other races.[85]

Despite this decisive legal victory, just a few blocks across town, Atlanta's Heart of Atlanta motel stubbornly refused to serve blacks at its restaurant. Again Hollowell's firm led the charge in a successful federal lawsuit to enforce the rights of blacks to receive service at the restaurant. On the very day the 1964 Civil Rights Bill was signed into law, Moreton Rolleston Jr., owner of the Heart of Atlanta, appealed the decision in a suit against the federal government challenging the constitutionality of the public accommodations provisions of the 1964 Civil Rights Act. Rolleston alleged that the act infringed on his private-property rights to restrict blacks from patronizing his establishment. The court flatly rejected the argument. On December 14, 1964, the United States Supreme Court upheld the validity of the public accommodations provisions of the Civil Rights Act, which ultimately led to the shattering of blatant segregation in Atlanta's restaurants and motels.[86] Importantly, it was the convergence of direct action by black Atlantans who demanded service, litigation by lawyers such as Hollowell, and the Civil Rights Act that resulted in comprehensive desegregation of public accommodations. Although Atlanta city fathers bragged that Atlanta had "voluntarily desegregated," student activists correctly observed that comprehensive public accommodations desegregation occurred only after restaurants and motels had been "internationally embarrassed," and only after Congress had passed the Civil Rights Act.[87]

Between 1962 and 1969, Hollowell and his partners also challenged lingering segregation in a panoply of public school systems across the state. Two significant cases occurred at opposite ends of the state, in Albany and in Brunswick. In 1963, Hollowell and C. B. King won a victory in U.S. District Court after Dougherty County School officials in Albany refused to end rigid school segregation. The court ordered an end to the segregated school system operated by the Dougherty County Board of Education and further ordered the implementation of a desegregation plan.[88]

In *Harris v. Gibson*, a more disturbing case the same year in coastal Georgia, a federal district court issued an order that upheld segregation in Brunswick, Georgia. The court issued an injunction preventing six black youths from attending all-white Glynn Academy in Brunswick. In this case a group of white parents objected to a *voluntary* plan by the Glynn County School Board to desegregate its schools and filed a federal lawsuit. At the behest of the white parents, rabid segregationist Frank Scarlett, United States District Court judge for the Southern District of Georgia, issued a restraining order that halted the plan and prevented the black students from entering Glynn Academy.

Hollowell, Ward, and Constance Baker Motley appealed the matter before Judge Griffin Bell, presiding for the Fifth Circuit Court of Appeals. Judge Bell granted a stay of Judge Scarlett's decision, allowing the six black students to attend Glynn Academy until the court rendered final judgment. The courts later combined the case with a related Savannah, Georgia, school desegregation case (*Stell v. Savannah-Chatham County Board of Education*).[89] In accordance with the original contention of Hollowell and his partners in the Harris case, Judge Bell declared that the Glynn and Savannah-Chatham schools were indisputably being operated on a segregated basis in violation of the Fourteenth Amendment.[90]

In addition to handling school cases in Albany and Savannah, Hollowell served as chief counsel in cases in Macon and Augusta, working cooperatively with the LDF and local counsel. Following Hollowell's counsel in the Bibb Transit Company and A. C. Hall cases in Macon in 1962, in 1963 he served as counsel in the *Board of Public Education and Orphanage for Bibb County v. E. S. Evans et al.* case tried in Bibb County Superior Court. The judge in the case issued a declaratory judgment invalidating sections of the Board of Education's charter to allow for the desegregation of Bibb County Schools.[91]

Although the state court decision was an important victory for Hollowell and the LDF, in a July 12, 1963, letter from LDF counsel Derrick Bell to Hol-

lowell, Bell observed that in light of the politics of segregation, it was unlikely that the favorable state court decision would result in the desegregation of the Macon schools. Bell emphasized the work yet to be done in the federal courts to achieve school desegregation, writing:

> Dear Don:
>
> I received your letter of July 8 containing the very favorable opinion from the state court in the Macon School matter. You and local counsel are to be congratulated. Let us hope that the decision in the Augusta case is also favorable.
>
> While it is certainly possible that the two school boards will voluntarily begin desegregation as a result of the state court decisions, it is the experience of this office that political considerations make it extremely difficult for Board members to initiate desegregation plans in the absence of court orders. . . .
>
> For this reason, I believe that the potential plaintiffs in Macon and Augusta will be best served by our going forward with our plans to file suit in both areas as soon as we can.
>
> I hope this letter clarifies our position as to these cases so that we can get both matters before the courts at an early date.[92]

In the ensuing years, Hollowell, LDF lawyers, local attorneys John Ruffin and John D. Watkins in Augusta, and local counsel Thomas M. Jackson in Macon would guide the cases through the federal courts.[93] In addition to legal actions by local officials to sustain segregation, even when court orders demanded desegregation, officials refused to fully comply with the court decisions. For example, after a black student was admitted to the formerly all-white Gracewood School in Augusta in connection with the *Acree* case, the student was not permitted to ride the Gracewood bus. Revealing the prolonged and arduous work such cases demand, Ruffin asked Hollowell for advice on the matter and urged him to include the school's refusal to allow the student to ride the bus in a plea to the court.[94]

Hollowell also established important legal groundwork for several United States Supreme Court and federal appeals court cases. In *NAACP v. Overstreet*, *United States v. Jackson*, and *Rabinowitz v. United States*, Hollowell was involved in cases that led to judicial decisions protecting the First Amendment rights of organizations and the right of blacks to serve on federal juries.[95] In the 1963 *Overstreet v. NAACP* case and subsequent 1966 *NAACP v. Overstreet* case, Hollowell filed pleadings and argued on behalf of the NAACP

to protect the right of African Americans to demonstrate against segregation.[96] The case involved the defense of protesters and the Savannah branch of the NAACP for demonstrations against a Savannah, Georgia, merchant who allegedly slapped and kicked a fourteen-year-old black boy. The Georgia Supreme Court affirmed the trial court's verdict that the NAACP was liable for damages to the store owner's place of business resulting from the demonstrations.

However, in an argument led by NAACP counsel Robert Carter, the United States Supreme Court reversed the decision, ruling that juries hostile to the aims of an organization in the educational or political field, unless carefully confined by meticulous instructions and judicial supervision, can deliver crushing verdicts that may stifle organized dissent. This case, for which Hollowell laid pivotal legal groundwork, established a judicial precedent that was vital in sustaining NAACP activism in protests and demonstrations nationally. The case solidified laws that protected the collective right to organize and protest.[97]

Two other 1966 cases in which Hollowell and C. B. King developed legal foundations with sweeping implications were *United States v. Jackson* and its companion case, *Rabinowitz v. United States*, both of which arose from the demonstrations in Albany, Georgia, in 1962. The precedent-setting work of Hollowell and King in these cases constituted an important attack on the way federal grand and trial juries were composed. The United States Court of Appeals for the Fifth Circuit reversed the convictions in both cases because the method by which the jury list was compiled resulted in the impermissible exclusion of blacks and violated federal civil rights statutes. The cases ultimately had an impact on the establishment of the Jury Selection and Service Act of 1968, which protects the right of all people to serve on federal juries.[98]

In assessing Hollowell's pathbreaking civil rights work in Georgia, it is important to examine his integration of grassroots activism and lawyering. Hollowell led the group of community leaders who carefully selected Holmes and Hunter to challenge segregation at the University of Georgia, worked behind the scenes with Atlanta student sit-in activists, helped organize protesters in Macon, and emboldened demonstrators in Albany to continue their protests. In each of these cases, he also served in a prominent role as counsel to the plaintiffs or protesters, including joining C. B. King to represent the Freedom Riders and hundreds of other protesters in the Albany Movement. While pickets, boycotts, sit-ins, and other forms of direct

action played a vital role in civil rights progress, victories were often ultimately won in the courts by Hollowell and his colleagues. Hollowell's federal court victories ended segregation in the public transit systems in Augusta and Macon, and the successful appeal by Hollowell, C. B. King, and Motley of Judge Elliott's order to restrain protesters in Albany allowed the demonstrations to continue and established an important legal precedent protecting the rights of civil protesters.

At the request of clients who had learned of his reputation as a successful civil rights lawyer or at the behest of the NAACP, Hollowell regularly crisscrossed the state in his car investigating civil rights complaints for his clients, often without an escort and always without a weapon. It was common for black clients on death row to see him as perhaps their last hope to avoid the electric chair. Among many letters from his office files requesting his legal intervention, the following examples show both the desperation of prospective clients and their hope that Hollowell would rescue them from long sentences or the impending death chamber.

Dear Mr. Hollowell:

Please be advised that we are in need of help very bad, our grandson and nephew is about to go to the electric chair for a crime he is not guilty of.

Samuel Edward Smith got into a fight on his job with some white men and he was locked up for it, after that he was accuse [*sic*] of several cases of rape made on white women dating back to when he was thirteen (13) years old, in fact he was found guilty by an all-white jury of raping a white woman when he was only thirteen years old, the woman was brought back to Augusta from Texas to identify him. She claims he raped her in 1947 when he was only 13 years old. . . .

Signed Julia Jackson
Freddie Jackson[99]

Dear Sir Mr. Hollowell,

I am Robert L. Johnson. Sir I am writing this letter concerning my case. On the 6-9-58, I was tried and convicted of rape in Fulton County. I am a poor man and I was not guilty of that crime. I received a sentence of 20 years. . . .

Mr. Hollowell I can't do anything for myself because I am without money and I don't have no help. I am a colored man. I am in good health. If you can help me with my parole, I be willing and will pay you when I am out. . . .

Will tell you anything you wants to no about me. I am praying that you will help me. Please answer.

Robert L. Johnson[100]

Dear Sir Attorney Hollowell.

I come before you in the name of the Most High and the Blessed Peace be with you and yours! . . . I [am] serving a life sentence in Reidsville, Ga. for a charge of robbery of a grocery store. . . . All of this happened in Bartow County, Cartersville, Ga. in July of 1961. . . . A man come to the jail and told me that if I didn't plead guilty that I would get the chair. Later on the day of my trial they had beaten me so badly until I feared my sanity and my life. . . . [I] was denied a bond and the right to an attorney.

They beat me and made me sign a confession. . . . I no I have a chance with your help. And I thank you for your kindness in advance.

Yours sincerely,
Howard K. Patterson[101]

Equally troubling as the letters from individuals pleading with Hollowell to address their plight are letters such as the following, written by black inmates at the Crisp County, Georgia, Prison Work Camp regarding prison conditions.

Dear Sir:

We inmates at Crisp Co. is seeking your assistance or someone that you could influence to help us. . . . They still beat colored here. That one really hurts. Prisoners here with afflicted leg and heart ailments have a hard time. We get no checkup or doctor. The first I seen in eight months was a Cordelean and he only glance at the prisoners here. No examination whatsoever. Cursed, we are cursed extremely every day. . . . The building is poorly heated. In Summer the window remain tightly closed; it be sickly hot in here. All white prisoners are made trustees and given light chores. While colored prisoners are put in the bull gang no matter how old or unable they may be. We are overworked in summer. We work from 5:50 to 7:00 p.m. . . . Our mail is burned, especially mail going to lawyers or seeking help. We have a prisoner here who was shot, then arm broken and thrown in the hole; he never saw a doctor. Another one was knocked down, eardrum busted by a white man that asked him to dig a ditch and he refused . . .

Desperately yours,
Crisp County Inmates[102]

Hollowell personally responded to countless letters from individuals in dire situations, including inmates in penal institutions throughout the state. His personal correspondence was generally followed up with investigations and legal action that often required him to travel to remote areas of the state that were hostile to civil rights and especially to a civil rights attorney.

Despite such legal victories as the *Nash* case, in which Hollowell saved Nash from the electric chair, he did not always prevail on behalf of his clients. For example, in 1953, Paul Wright, an eighteen-year-old black youth from Social Circle, Georgia, was convicted of the murder of Sarah Belle Daniel. Wright, his mother, Jennie, and his two brothers lived and worked as sharecroppers on the farm of Sarah Belle Daniel and her husband, Elmer Daniel, in Walton County. During Wright's trial, Walton County sheriff and Georgia Bureau of Investigation officials testified that Wright had confessed to the murder. However, Wright told the jury, "I did not kill her. . . . The reason I told them in Atlanta that I killed her was because I was scared; I didn't kill her. One of them told me if I didn't say it they would give me a pill and I would say it. If I had killed her I would have left the same day. They just scared me to death is the reason I told them that I killed her."[103]

Shortly after the Supreme Court of Georgia affirmed Wright's conviction and death sentence on October 13, 1953, Jennie Wright sent Hollowell a desperate plea for help to save her son from electrocution. Hollowell investigated the matter and argued for a thirty-day stay of execution, which was granted by Governor Herman Talmadge on December 7, 1953. Hollowell then appealed to the parole board to commute the death sentence to life imprisonment. However, on December 31, 1953, the board denied the application to commute the sentence.

In a January 2, 1954, letter to Jennie Wright, Hollowell acknowledged that he had exhausted all legal efforts and urged her to turn to God.

> This morning I received a notice from the State Board of Pardons and Parole informing me that the Board has denied our application to commute the death sentence of your son, Paul, to life imprisonment.
>
> I think you understand and appreciate the fact that every effort was made in your son's behalf. . . .
>
> In this New Year, may I commend you to the Almighty who can sustain you through days of joy and sadness. He is all-knowing and will be the presiding judge in the court of last resort—have faith in Him.
>
> Sincerely yours.
> D. L. Hollowell[104]

Less than a month later, on January 22, 1954, the State of Georgia executed nineteen-year-old Paul Wright. Hollowell defended Wright shortly after he started his practice, but this case is illustrative of those he litigated throughout the 1950s and 1960s, often venturing to such dangerous areas of the state as Walton County, the site of the lynching of George Dorsey, Dorothy Dorsey Malcom, Mae Murray Dorsey, and Roger Malcom.

Despite the danger from those opposed to civil rights for blacks, as evidenced by the murders of civil rights workers across the South, Hollowell remained undaunted as he persevered as an activist and lawyer, investigating and litigating cases across the state. Alongside his insistence on fairness and dignity for his clients, he demanded the same for himself. For example, instead of being intimidated by the insults of a solicitor general in Southwest Georgia, Hollowell admonished the solicitor for his misbehavior. In a February 2, 1962, letter to the solicitor, Hollowell wrote,

> The thing that compels me to write this letter is that it was my feeling that the attitude and conduct portrayed by you toward me as a visiting lawyer in your jurisdiction appeared to be beneath the dignity of the high office which you hold. As a matter of fact, it seemed calculated to prejudice the minds of those who might have been jurors in such case as I was engaged. . . .
>
> Please understand that I do not write this letter with any malice toward you; for I would like to believe that had you thought carefully before you spoke, your reaction would not have been quite the same. It would be my hope, however, that there would be no similar recurrence.[105]

Louise Hollowell recalled his courage as he traveled across the state pursuing equal rights for his clients and himself.[106] Hollowell likened the personal safety concerns in his civil rights work to his role as a soldier in the army. He said, "I was already trained as an army person. I was doing what I was disciplined to do."[107] No doubt his military training as a buffalo soldier and army officer as well as his service during World War II were essential in preparing him for his battle in civil rights.

While Hollowell was not reared in the South and had not witnessed racial violence as a child, he had first learned of racial brutality against blacks when he represented Lane College students at the SNYC. Inspired by meeting such bold and renowned civil rights advocates as Paul Robeson and W. E. B. Du Bois at the conference, Hollowell not only changed his major but also committed his life to fight against racial injustice. He observed that to be able to meet and shake the hand of Robeson, the "passionate, charismatic, angry,

impatient advocate for Negro rights stirred him in profound new ways" to embrace the cause of social justice.[108]

Hollowell often summed up his decision to pursue a path of fighting against racial injustice by referencing Paul Robeson's valedictory address to Robeson's own graduating class at Rutgers. Robeson declared: "We of the younger generation especially must feel a sacred call to that which lies before us. I go out to do my little part in helping my untutored brother. We of this less-favored race realize that our future lies chiefly in our own hands. On ourselves alone will depend the preservation of our liberties and the transmission of them in their integrity to those who will come after us."[109]

By 1964—the year of the historic Civil Rights Act—Hollowell had been at the center of the struggle for over a decade and was beginning to wonder what new assignments he might receive. His new marching orders came in February 1966, when President Lyndon B. Johnson appointed him a regional director of the newly created Equal Employment Opportunity Commission. The field of employment discrimination would become his next battleground, and the 1964 Civil Rights Act was his new weapon of choice.

[ CHAPTER EIGHT

# Hollowell's New Marching Orders

In December 1961, when police officials jailed SNCC activist Charles Sherrod in Terrell County in connection with mass protests in Southwest Georgia, Sheriff Zeke T. Mathews severely brutalized Sherrod during his imprisonment. Sheriff Mathews told his prisoners, "There'll be no damn singin' and no damn prayin' in my jail."[1] Sherrod recalled his beating by the sheriff one evening and the welcome presence of Hollowell the next morning:

> The first time I met Don Hollowell I was in jail. . . . The sheriff had lined us up and told us to come out of our cages. I told the boys under my breath, "I will do the talking for us." So [the sheriff] asked me some questions that I had to have an opinion about and I said, "No." The deputy on his left-hand side came down on my face with a "pow!" and knocked me down—it was so hard. I got right back up and said something like "I'm a child of God and I love the Lord with all my heart and soul and you're my brother." And he asked me another question and "wop!" he knocks me back again. And by that time I got the point; he was trying to get me to say, "Yessir," because I was answering his questions. It was the first time I had been hit by a law enforcement officer, and I was bleeding all night. I learned later that the word had gone out that I was almost killed in jail. The first person I see in the morning was Don Hollowell. I was sure glad to see old Don Hollowell walking through those doors! The sheriff

let him talk to me in another room. I was happy to see Donald that day! I got out of jail that evening and returned to Albany.[2]

The emergence of militancy and mass protests among civil rights activists, combined with scores of legal victories against racial segregation by lawyers such as Hollowell, set the stage for systemic social change in the United States in the 1960s. Civil disobedience and mass demonstrations against racial oppression, sometimes accompanied by violent attacks on SNCC activists and other protesters across the South, played a pivotal role in coercing the federal government into action.[3] Responding to the protests and racial turbulence, President Lyndon Johnson pushed the Civil Rights Act through Congress. On July 2, 1964, the president signed into law the Civil Rights Act of 1964, forbidding discrimination in voter registration and prohibiting racial segregation in schools, employment, and public accommodations.[4]

Civil rights groups hailed the act as a turning point in the battle against state-sanctioned racial oppression, especially in southern states. However, the act did not mark the end of the civil rights struggle. It represented instead the beginning of a new struggle—for enforcement of the new civil rights legislation. Title VII of the act, for example, prohibited employment discrimination based on race, color, religion, sex, or national origin and created the Equal Employment Opportunity Commission (EEOC) to enforce federal employment discrimination laws. Fittingly, Hollowell, who had defended civil rights activists on the front lines and won some of the precedent-setting legal victories that spurred the passage of the act, would become directly involved in enforcing the new legislation.

As a successful civil rights lawyer in the South, Hollowell was perfectly suited to serve as director of the EEOC's southern region, which served Georgia, Alabama, North Carolina, Virginia, and Puerto Rico. Recognizing this, Samuel Jackson, one of five EEOC commissioners and a longtime friend of Hollowell's, personally lobbied Franklin D. Roosevelt Jr., chairman of the EEOC, to appoint Hollowell to the position. Hollowell himself, however, having practiced civil rights law for his entire legal career, had set his sights on expanding his law practice beyond the boundaries of civil rights. Moreover, he had built his law practice on taking the cases of clients who could not pay well or at all, and after years of mostly pro bono civil rights work he was ready to moderate his pace and accept more cases that were financially rewarding.

Ironically, Hollowell faced opposition and obstacles to his EEOC appointment based on racial grounds. Although he was endorsed by several south-

ern U.S. senators including Richard Russell of Georgia, Spessard Holland of Florida, B. Everett Jordan of North Carolina, Ross Bass and Albert Gore Sr. of Tennessee, and Harry Byrd Sr. and Absalom Robertson of Virginia, Donald Russell of South Carolina vehemently opposed his appointment. In a January 16, 1966, memorandum from Marvin Watson, special assistant to President Johnson, Watson reported to the president, "Russell states that it would be better for the program in South Carolina if the Regional Director was a white man."[5] Similarly, Atlanta attorney Boisfeuillet Jones conducted an evaluation of Hollowell for the White House and insisted that the basic question was whether any African American should be made regional director for the EEOC in Atlanta.

In a report prepared by White House staff member Lou Schwartz for the president, Schwartz stated, "Jones thinks a white man would be much more effective in dealing with community leadership. Jones said he persuaded Sargent Shriver not to appoint a Negro to be the Atlanta Regional director for OEO."[6] Schwartz also noted that a security report revealed Hollowell's previous membership in an organization that was listed as subversive by the attorney general. Schwartz observed, "The investigation, however, shows Hollowell did not know it to be subversive and, in fact, was elected (and did not seek) to go to its convention."[7] Schwartz was referencing the investigation of Hollowell by the FBI, spurred by his participation in the SNYC conference in 1946.

Despite the racial politics and reference to Hollowell's membership in SNYC, in light of the strong support of several southern U.S. senators and Atlanta mayor Ivan Allen, and widespread support from the black community that included prominent civil rights organizations, White House adviser John Macy Jr. and Marvin Watson recommended Hollowell for the EEOC appointment. In a January 13, 1966, letter to the president, Macy concluded:

> On the basis of Hollowell's background and experience, I am convinced he is professionally equipped to handle this very sensitive assignment. While his is not a Presidential appointment it obviously requires your attention.
>
> On the basis of my judgment of Hollowell's ability and the assurances I have received from others concerning his political acceptability I recommend that you approve his appointment.[8]

A few days later a lead story in *Jet Magazine* endorsed Hollowell for the appointment. Both Whitney Young of the National Urban League and

Clarence Mitchell of the NAACP also called on President Johnson to approve Hollowell's appointment.[9]

Johnson did approve the appointment, and in response to a formal invitation from Roosevelt, Hollowell traveled to Washington, D.C., to meet with Roosevelt and the other EEOC commissioners. In their meeting, Roosevelt emphasized the significance of the EEOC and the unprecedented opportunity to advance civil rights, as well as Hollowell's unique qualifications to direct the southern region. In addition to the persuasion of Roosevelt and the commissioners, Louise Hollowell encouraged her husband to accept the position to free himself from the tireless pace of his law practice. Undoubtedly her views played a role in Hollowell's ultimate decision to accept the appointment.[10]

Hollowell's decision was also influenced by the fact that he had failed to establish the law practice he had envisioned. While he had developed a reputation as a civil rights lawyer, he had desired to establish a practice that would provide high-quality services in most practice areas. In addition to law partners Ward and Moore, in 1963 he recruited to the firm William H. Alexander, a University of Michigan law graduate who also had a master's degree in tax law from Georgetown University. He engaged Alexander expressly for the purpose of building the firm's business practice.[11]

Hollowell also recruited Peter Rindskopf to join the firm in 1965. Rindskopf began working for the firm in 1963 as an intern after completing his first year at Yale University School of Law. However, Hollowell's plans to establish a major law firm for the general practice of law did not come to fruition; Ward ran for and was elected to a position in the Georgia General Assembly in 1964, and Alexander followed suit in 1965. Vernon Jordan had left the firm in 1961 to serve as field director for the Georgia NAACP.

On February 2, 1966, Roosevelt administered the oath of office to Hollowell as EEOC director for the southern region. In his remarks at the swearing-in ceremony, Roosevelt identified Hollowell as "the first Negro to be appointed as regional director for a major federal agency."[12] Hundreds of friends and colleagues joined Hollowell on the occasion of his historic appointment. Hollowell, who had battled discriminatory practices in the courtroom since his career began in 1952, was now in a position to decide which charges of discrimination would be litigated.

Hollowell's appointment to the new civil rights agency was highly lauded in the black community and represented a significant leadership position within the federal government. However, the position took him away from

the drama of the courtroom, where he had established an enviable reputation as Georgia's foremost civil rights lawyer. Although the new role still provided him a platform for social justice advocacy, he would have to advance it from a federal administrator's desk, using only the tools of "investigation, conciliation, and persuasion."[13]

Hollowell was thus constrained by both the bureaucracy of a federal agency and the fact that the new agency had no litigation powers, limiting the scope of his legal efforts to investigation. During the EEOC's formative years, agency officials filed investigative reports on employment discrimination, and the Justice Department had the responsibility to negotiate or litigate. Despite the constraints, however, Hollowell remained with the EEOC for nearly twenty years. He served as regional director for ten years, then transferred in 1976 to the position of regional attorney, which he held until his retirement from the agency in April 1985.[14]

Building on the leadership experience he had gained in the military and from managing his law firm, Hollowell organized the EEOC's Southern Regional Office in Atlanta. Hollowell recalled that the new agency was overwhelmed by so many complaints of racial discrimination, and increasingly by complaints of gender discrimination as well, that his limited staff could not investigate them all in a timely manner. Furthermore, although cases emanated from various states within the region, all cases had to be funneled through the central EEOC office in Washington, which created a major bottleneck.

Frustrated with the slow pace of resolving discrimination complaints, advocacy groups and even some of Hollowell's former colleagues became increasingly angry. Some even viewed Hollowell as part of an enemy camp that impeded the settling of discrimination cases. The pleas of Hollowell and his EEOC regional colleagues for increased powers and more funding to address the backlog of cases went unanswered, as federal officials in the late 1960s and early 1970s were consumed with winning the war in Vietnam and controlling the wave of domestic protest against it.[15]

The constraints of Hollowell's new role in the movement took their toll on him, and he yearned for more direct, grassroots involvement in the struggle. Moreover, although a brilliant and effective legal advocate, Hollowell—in the tradition of the dean of civil rights lawyers, Charles Hamilton Houston—had never placed his faith solely in the American legal system to secure civil rights for African Americans. Like Houston, Hollowell recognized the importance of collaborating with the NAACP and other activist groups, and he

had always encouraged and even participated in direct action to escalate the civil rights struggle and complement legal efforts.[16]

To retain some measure of community activism while serving in the EEOC role, Hollowell accepted the presidency of the Voter Education Project's (VEP) board of directors in 1971. The VEP coordinated the voter registration campaigns of five civil rights groups—the SCLC, SNCC, the NAACP, CORE, and the National Urban League—under the auspices of the Southern Regional Council (SRC), a nonprofit research organization.[17] It was unusual for the director of a federal agency to hold such a position, but this was Hollowell's means of continuing his fight for social justice on a grassroots level. During his tenure as president, he had a tremendous impact on voter education and voter registration in eleven southern states. Civil rights icon Joseph Lowery observed, "When he took over in '71, there were, I guess, maybe three million African American voters in the country. When he left there were between five and six million [African American] voters in the country."[18]

In 1976 Hollowell chose to transfer to the position of regional attorney for the EEOC in order to become more involved in litigation, for his finest hours had been in the courtroom.[19] As regional attorney, he was responsible for training more than thirty attorneys and for preparing and trying hundreds of cases in employment law involving Title VII of the Civil Rights Act of 1964 as well as the Age Discrimination in Employment Act and the Equal Pay Act.

In the early 1980s, talk of a judgeship for Hollowell resurfaced. Back in 1964, in an effort to break the color barrier and become Georgia's first African American superior court judge, he had campaigned unsuccessfully for a seat on the superior court in Atlanta. Hollowell's opponents had been segregationist incumbent Judge Durwood Pye and white moderate Paul Webb Jr. Hollowell had faced Pye numerous times in civil rights cases, including the NAACP records case in which Hollowell asked Pye to recuse himself due to Pye's racial bias.

Hollowell lost the election in part due to a split in the black vote. Several prominent blacks had committed to Webb before Hollowell entered the race, and others simply lacked confidence that a black candidate could win. Hollowell had solid support from young black activists, including students at the Atlanta University Center, where he had left an enduring legacy by representing demonstrators during the Atlanta sit-ins. However, many blacks who represented the "old guard" of civic and religious leaders, including his old mentor, Austin Walden, supported Webb. Walden and four other

prominent African Americans sent a letter to black voters urging them to support Webb, contending that Webb had a better chance than Hollowell of defeating the incumbent Pye and warning that if blacks voted for Hollowell, Pye would win reelection.[20] Disturbingly, Boisfeuillett Jones claimed that Hollowell ran for the seat against the advice of other black leaders "because of a deal with Pye."[21] While Jones acknowledged that the unsubstantiated information was based on "gossip," he nevertheless reported the rumor to White House staff member Lou Schwartz in his evaluation of Hollowell for consideration for the EEOC appointment.

As discord between Hollowell and Walden heightened and political tensions escalated—undoubtedly intensified by civil rights leaders' selection of Hollowell to replace the aging Walden as Georgia's chief civil rights lawyer—Hollowell opined publicly that Walden was dividing the black community in his effort to hold on to the "waning power of leadership [which he had held] over a long period of time . . . which [had] diminished extraordinarily in the Negro community."[22] Despite the influence of old-guard black leaders who canvassed the community to gain votes for Webb, Hollowell strongly outpaced Webb in the black community, garnering two-thirds of the black vote. In addition to Hollowell's support among young activists, he split the vote among the old guard, winning support from Rev. Martin Luther King Sr. and several other prominent black ministers.

The Atlanta Baptist Ministers' Union, a group of ministers representing 175 churches, declared Sunday, August 23, 1964, as "Hollowell Sunday." The resolution favoring Hollowell as their candidate read:

> Whereas many Negroes, including ministers, would be behind jail bars today without the great work of Attorney Hollowell, not only those convicted in the court of Judge [Durwood] Pye, but some from county and city courts other than the court of Judge Pye. . . . Therefore, be it resolved that the Atlanta Baptist Ministers' Union declared Sunday August 23, 1964 Attorney D. L. Hollowell Appreciation Sunday.[23]

Nevertheless, Hollowell's endorsements and support ultimately fell short as Pye received more votes than Webb or Hollowell in the September 9 judgeship race and later defeated Webb in a run-off on September 23. The confluence of Webb's garnering a respectable percentage of the black vote from the "old guard" and the low turnout by black voters overall doomed Hollowell's chances for election. Many black Atlantans contended that the confusion created in the African American community regarding the effect of voting

for Hollowell influenced many registered black voters to simply stay home and not vote. Ultimately, despite Hollowell's many victories against segregationist policies, many blacks failed to vote for him because they still lacked confidence that a black candidate could win. Undoubtedly Hollowell's defeat, in part, propelled him to accept the presidency of the VEP, where he championed voter education efforts and sought to minimize voter apathy.[24]

In 1968, two years after President Johnson tapped Hollowell for the EEOC appointment, Johnson considered him for a judgeship on the U.S. Court of Appeals for the Fifth Circuit. Johnson made a historic breakthrough in the federal judiciary in 1967 with his appointment of Thurgood Marshall to the U.S. Supreme Court. With strong urging from black attorneys and civil rights organizations, Johnson also endeavored to appoint the first African American to the federal bench in the South.[25] Marshall, who had often chosen Hollowell to spearhead civil rights cases in Georgia, strongly endorsed Hollowell for the Fifth Circuit appointment.[26] However, political considerations interfered with Johnson's plans for judicial appointments near the end of his term as president. Johnson had intended to promote Abe Fortas, associate justice of the U.S. Supreme Court, to chief justice, but Fortas faced mounting opposition due to conflicts of interest that ultimately doomed his appointment.[27] Republican senators also desired to keep judgeships vacant in anticipation that a Republican would be elected president and have the opportunity to fill those positions.

The confluence of the flap surrounding the Fortas matter, Johnson's unpopularity related to the Vietnam War, and his lame duck status as a result of his March 1968 announcement that he would not seek reelection made it difficult for him to garner support for appointments for the remainder of his term and adversely impacted Hollowell's chances of being nominated and confirmed.[28] A July 28, 1968, *Atlanta Journal* and *Constitution* editorial concluded, "The chief executive may not want to risk 'embarrassing' Southern senators by appointing a Negro when he needs their support for approval of the Fortas nomination. The President's decision, of course, could go either way. But at this writing, at least, usually candid sources caution that Mr. Hollowell's prospects for the post are 'very, very, cloudy.'"[29]

Despite Hollowell's slim chances, U.S. senator and former governor Herman Talmadge, who had marshaled state resources to sustain segregation in direct opposition to many of Hollowell's legal cases, supported Hollowell's appointment. Recognizing a change in the political landscape, with more

black voters and a president intent on appointing an African American to the federal judiciary in the South, Talmadge abandoned his segregationist stance. During an interview, he explained, "When I realized that it was politically possible to have a black judge in Georgia, some of my black friends urged me to help them in that activity. My first recommendation was Donald Hollowell to the Fifth Circuit Court of Appeals."[30]

However, even with Talmadge's support, Hollowell's appointment was threatened by forces unrelated to the Fortas matter and Republicans' desire to limit Johnson's appointments. In a July 13, 1968, memorandum to President Johnson, staff member Larry Temple reported to the president that he had informed Talmadge that his recommendation of Hollowell encountered "difficulty with the Bar." Talmadge responded, "Hollowell is the best qualified Negro in my state and possibly one of the best in the Fifth Circuit. I recommend him because I thought the President might want to appoint a Negro to one of the Fifth Circuit vacancies."[31] Talmadge's evaluation of Hollowell as the "best qualified Negro"—comparing him only to others of his race—reveals a racist undertone despite Talmadge's more progressive stance toward racial relations at this time. Yet Talmadge's support of Hollowell nevertheless indicated a major shift in his racial politics.

While President Johnson's papers do not reveal what difficulty Hollowell's recommendation may have encountered, Howard Moore observed that it was rumored that an issue came up regarding a $5,000 transaction in which Hollowell was involved. Sheldon Goldman, in his book *Picking Federal Judges*, contends "that some form of racism, whether from the bar or from senators in the Fifth Circuit," made it impossible for Johnson to appoint Hollowell.[32] Based on several interviews with colleagues who worked closely with Hollowell, it appears that he had a strong moral compass. However, given the hectic pace of his law practice, the fact that he was heavily overworked, and the resulting disorder in his office, it is plausible that he could have been involved in a transaction that lacked proper protocol.[33]

Even if Hollowell did not follow appropriate protocol, however, it is also likely that any violation would have been exacerbated by forces in the U.S. Senate, in particular southern lawyers opposed to a prospective judicial appointee steeped in civil rights. Moreover, leading up to his judicial recommendation Hollowell had won major cases that resulted in desegregation in public higher education, public secondary schools, and public accommodations, as well as other key cases in protracted battles against Georgia's most

prominent white lawyers. Not surprisingly, he did not win support for a seat on the federal bench from some members of the bar.

In addition to those who opposed Hollowell's prospective judicial appointment for reasons related to his civil rights advocacy or race, one of the most prominent members of the Georgia bar opposed him for political reasons. In a June 25, 1968, memorandum to President Johnson, White House deputy press secretary Tom Johnson reported that Carl Sanders, who served as governor of Georgia from 1963 to 1967, raised a question about Johnson's consideration of Hollowell for the Fifth Circuit. In his memorandum, Tom Johnson wrote:

> Carl Sanders called at 5:45 p.m. to say he had been advised that Don Hollowell was being checked out as Justice for the 5th Circuit Court. Sanders said Hollowell had not been helpful to the Democratic Party or to "any of us Johnson people," during his service on the Court or previously as a private attorney.
>
> Sanders strongly recommends Pete Morgan for the seat.[34]

Morgan had been appointed to the Northern District Court by President Kennedy. Sanders, likely with help from other members of the bar, influenced Johnson to appoint Morgan to the Fifth Circuit Court in August 1968. Sanders, who was far more progressive on race relations than Talmadge, nevertheless raised questions concerning Hollowell, while Talmadge supported him for appointment. From a political standpoint, Jimmy Carter defeated Sanders in his bid for gubernatorial reelection, and Sanders never sought public office again. In contrast, Talmadge was one of Georgia's U.S. senators with long-term political aspirations. If Talmadge shared Sanders's concerns about Hollowell's lack of support for the Democratic Party or the "Johnson people," he overlooked such concerns in strongly recommending Hollowell for the Fifth Circuit Court.

Although Talmadge had fought to sustain segregation, with the advent of the black electorate he abandoned his resistance to civil rights. Similarly, George Wallace, elected as Alabama's governor in 1962 and 1970, symbolized resistance to civil rights for African Americans in his early political career and often exploited racial fears and hatred in his election campaigns. However, Wallace embraced black voters in the late 1960s and 1970s and later renounced his segregationist posture. Whether the shifts by Talmadge and Wallace resulted from an authentic change of heart or from self-serving political motivations, actions such as Talmadge's support for Hollowell to

serve on the federal bench represented a major turnaround from the race-baiting that characterized their early political careers.[35]

Eleven years after he was first considered for a judgeship, with a string of civil rights victories and a successful stint as regional attorney of the EEOC to Hollowell's credit, his chances of becoming a judge seemed much improved. The Federal Merits Review Council (FMRC) appointed by Georgia senators Herman Talmadge and Sam Nunn reviewed Hollowell's credentials, along with those of four other blacks and five white women, for a federal district court judgeship.[36] Talmadge, Georgia's senior U.S. senator at the time of Hollowell's review, noted Hollowell's impressive record as a civil rights lawyer. Nevertheless, Talmadge, who had sought to nominate Hollowell to the Fifth Circuit in 1968, bypassed Hollowell for nomination to the federal district court.[37]

Talmadge did not disclose the basis for this decision, but Hollowell conceded that by this time he was near the end of his legal career. "I was already 61 years old. By the time I would have settled into that job, it would have been time for me to be settling out."[38] Although he was clearly qualified for a seat on the bench, it was not to be. Civil rights elder statesmen Joseph E. Lowery summed up Hollowell's qualifications: "His counsel, his briefs, his ability to articulate the law from the perspective of the Constitution, was very significant. He was masterful, and he was princely in his presentation; he was thoughtful in his writings; he was effective in his argument and stunning in his presence. And I think he is among the top echelon of African American lawyers in the civil rights struggle, and if there were any justice, he would have been a federal judge . . . maybe even a Supreme Court justice."[39]

In a richly ironic move, the federal judgeship that Hollowell was denied fell instead to his former client and colleague Horace T. Ward. In another interesting twist of fate, Talmadge, who had blocked Ward's admission to UGA, nominated him in 1979 for the federal judgeship. Ward had established a close relationship with Jimmy Carter during their service in the Georgia legislature, and the now-president Carter influenced Ward's nomination. When Carter was elected governor of Georgia, he had appointed Ward to Georgia's state civil court—the first gubernatorial appointment of an African American to a trial court in Georgia. In 1979, President Carter appointed his former Georgia senatorial colleague to the federal bench, making him Georgia's first black U.S. District Court judge.[40]

On December 27, 1979, Ward was sworn in inside the very same courtroom in which Hollowell had argued his case twenty-two years earlier. At the ceremony, Hollowell robed him and described how Ward's early mentors

and advisers, such as William Madison Boyd and Austin T. Walden, had labored and helped to lay the foundation for this historic event. Although Hollowell was denied the judgeship, Ward's appointment was a triumph for him as well, and he congratulated his mentee with grace. Reflecting on Ward's previous struggle, Hollowell's own sacrifices, and the sacrifices of his colleagues, Hollowell said, "I congratulate you today for myself. I congratulate you for . . . Austin T. Walden, who with me and others in this courtroom, handled your case when you were seeking to enter the University of Georgia. I congratulate you for Dr. William Madison Boyd, who worked his heart out going back and forth across this state trying to raise money to support that case."[41] Hollowell also appreciated the significance of the appointment. During an interview, Hollowell described the swearing-in ceremony for his former client and law partner as "history in the making."[42]

Hollowell's leadership with the VEP had helped set the stage for Georgia's first African American federal judgeship. The VEP had a major influence on expanding the black electorate, which helped seal Carter's presidential election. Yet Ward, who had established his own impressive record as a civil rights advocate under Hollowell's tutelage, would become the direct beneficiary of Hollowell's years of service and sacrifice to the cause of civil rights.

By 1986, Hollowell had served over forty years on the front lines in the battle for social justice, and the battle-scarred old warrior decided it was time to retire from active duty. He retired from the EEOC and from his role as president of the VEP. Hollowell had compiled a record of victories that shaped the outcome of the civil rights struggle, from his influential role in desegregating public secondary schools, colleges, universities, and public accommodations to his success in defending the rights of black clients in a racially oppressive criminal justice system. Along the way, he provided an inspirational example for other foot soldiers for justice, such as Vernon Jordan, Howard Moore, and Horace Ward, who affectionately referred to him as "Chief." Moore observed, "He certainly deserved our appellation of respect and affection, and he certainly was a foot soldier for justice."[43]

In addition to celebrated figures such as Jordan and Ward, Hollowell also inspired hundreds of lesser-known individuals. James Felder, president of the Clark College student body in 1959–1960, recalled Hollowell's influence and cool demeanor:

> Even though the judges ruled against him at the trial level, he always won on appeal. His articulation is what impressed me. His feathers were never

> ruffled in the courtroom. His demeanor—the way he handled a situation—was impeccable. . . . I came to Clark on an academic pre-med scholarship, destined to go to medical school. Don Hollowell turned all that around as I watched him operate in the Fulton County courts and made me decide to go into law rather than medicine.[44]

In 1989, prominent attorney and Atlanta City Council president Marvin Arrington Sr., who in 2002 became an Atlanta Superior Court judge, invited Hollowell to join him as a partner to establish the law firm of Arrington and Hollowell. Hollowell had made an indelible impression on Arrington when Hollowell ably represented Marvin Anderson, one of Arrington's friends, during the Atlanta sit-ins. Arrington recalled that Anderson, a black man, was charged with trespassing for attempting to dine at a Krystal restaurant, a violation of state and local Jim Crow laws.

During the course of Anderson's trial, a Krystal employee testified that Anderson indeed had attempted to dine in the restaurant. When Hollowell asked the Krystal employee to tell the court which man at the defense table trespassed at the restaurant, the employee confidently pointed to Horace Ward, Hollowell's cocounsel on the case. Taking control of the courtroom as the prosecutor displayed uneasiness in his chair, Hollowell made a motion to dismiss the charges, which the judge swiftly granted. Arrington noted that Hollowell's question to the Krystal employee was so basic that many lawyers might have overlooked it. Arrington observed that Hollowell's savvy in this case was "just one of many hundreds of unheralded cases [Hollowell] tried in city court—cases that he devoted himself to just as thoroughly as he did when he was setting other legal precedents."[45]

As one of the first blacks to enroll in the Emory University School of Law, Arrington credits Hollowell for his decision to pursue a law degree. In addition to Arrington's longtime service on the Atlanta City Council, he earned a reputation as an effective criminal defense lawyer and later established an elite group of corporate clients that included several Fortune 500 companies. Arrington benefited from the eminent stature of Hollowell as counsel and partner, but his invitation to Hollowell to become a partner in the firm was largely a gesture to honor his legal hero and recognize Hollowell's profound contributions as Georgia's chief civil rights lawyer.

By the time Hollowell retired from the EEOC, he and Louise had been married for forty-four years. Louise, with coauthor Martin Lehfeldt, offers a detailed account of the years of their married life in her memoir of Hol-

lowell's life, *The Sacred Call: A Tribute to Donald L. Hollowell, Civil Rights Champion*, published in 1997. In a letter to Louise on the occasion of their forty-seventh wedding anniversary, Hollowell penned:

> You were always a source of pride for me as we moved together in many varied societies . . . in church, academe, with the politicians, among our respective peers, with the poor and the affluent. Yes, whether it was the Johnsons or Carters, governors, other politicos, bishops, university presidents, families or run-of-the-mill [folk], you were able to be yourself and be a source of pride to me. As time passed, you have had to suffer because you were the wife of this so-called civil rights lawyer. Yet you bore up like the solid woman of strength you are. As we look back, I am pleased to say I have been wonderfully blessed by having you as my wonderful wife.[46]

Their long marriage, however, did have its challenges. Louise, concerned about her husband's health due to his heavy caseload and the routine sixteen-hour days he endured during the heady days of the civil rights movement, was the driving force behind Hollowell's decision to accept the EEOC position. However, her expectation that this government position would liberate him from the hectic pace of work as a civil rights lawyer proved to be mistaken. Hollowell observed that the voluminous caseload of the new agency, combined with inadequate staff resources and the bureaucratic obstacles he faced, made it difficult to distinguish between the pace of his work as EEOC director/attorney and his service as a civil rights lawyer. Although the couple often saw each other only sporadically due to Hollowell's schedule and the travel his work demanded, Louise noted that mutual love, admiration, and respect helped them survive the decades of pressure that might have crushed other relationships.[47] On May 14, 2004, the couple celebrated their sixty-second wedding anniversary in Atlanta.

On June 10, 2004, after my interview with Howard Moore, who had traveled to Atlanta from his home in Berkeley, California, Moore and I visited Hollowell at his home. In a classic example of Hollowell's humility and formality, even though Hollowell had known Moore for fifty-two years and me for fourteen years, he felt compelled to dress in a suit, white shirt, and tie for our midday visit to his home. He greeted us as if we were dignitaries. By this time Hollowell's health was failing, including the loss of his eyesight, which Louise attributed to him exhaustively reading legal documents in the evenings without good lighting.

Despite Hollowell's poor health, he did not mention any difficulties he may have experienced as a result of his blindness, the boredom of being shut in, or his dependence on others to care for him. Hollowell and Moore reminisced about their experiences fighting for civil rights during the 1960s, and Hollowell became animated when he and Moore recollected courtroom experiences or encounters with unfriendly sheriffs. Characteristically, he deflected praise away from himself and at one point shifted the discussion to me and observed that he did not want to exclude one of his guests from the conversation. I, however, was delighted to hear history come alive through Hollowell's and Moore's recollections. I will always treasure this visit, which was to be my last with Hollowell.

Six months later, on December 27, 2004, Donald Hollowell died of heart failure at the age of eighty-seven. He was buried with the honors of a field marshal in the battle for equal justice. At his funeral, dignitaries of the civil rights movement, many of them direct beneficiaries of Hollowell's hard-fought battles, revered their leader and comrade in arms. Among those mentees honoring him who had achieved national or international stature were presidential adviser Vernon E. Jordan Jr., Atlanta mayor Shirley Franklin, journalist Charlayne Hunter-Gault, former U.N. Ambassador Andrew Young, and federal judge Horace T. Ward.

Marvin Arrington, who credits Hollowell with "saving the soul of Georgia," captured Hollowell's achievements simply but profoundly at the service. He urged the crowd, "Every time you take a drink of water from a fountain that doesn't say, 'Whites only,' you should say, 'Thank you, Don Hollowell.' Every time you use a public restroom that doesn't have a sign that says, 'Whites only,' you should say, 'Thank you, Don Hollowell."[48]

Atlanta mayor Shirley Franklin remarked on Hollowell's impact on Atlanta and nationally, noting:

> It is an honor to represent so many who have benefited directly and the millions who have and will benefit from the work of Donald Hollowell. Through his efforts American history was rewritten.
>
> As mayor of Atlanta my personal bond is undeniable. For it was the strategic thinking and determination of this brilliant attorney that led to my election as the fourth black mayor of a major Southern city. Of course, there were others who made great contributions as well, but Donald Hollowell stands as a giant among those who recast this city, state, [and] ultimately nation and the world by opening the doors of education, public accommoda-

> tions, civil rights and fair treatment for millions of black Georgians. Hollowell made a mark so decisive and indelible its impact on contemporary times is as strong now as ever.
>
> It is the foundation laid by Donald Hollowell that makes it possible for Atlanta to achieve greatness and the distinction of top rank as an American city for African Americans today and as the epicenter for business, education, and culture in the region.[49]

In interviews, SNCC leaders John Lewis and Julian Bond, whose release from jail Hollowell secured during the civil rights movement, both noted his impact on advancing the cause of freedom and democracy. Lewis observed: "I don't think it would be too much to suggest or to say that these lawyers should be looked upon as the founding fathers and mothers of the new America. What they have done is they helped free, and they helped liberate . . . not just African Americans and not just people in the South, but all people."[50]

Bond stated, similarly: "Hollowell and these others advanced justice and freedom. They really helped make democracy real, beginning in the 1950s, leading into the 1960s, sometimes carrying over to the 1970s, '80s, and '90s. They really helped make democracy work by chipping away, case by case, plaintiff by plaintiff, school by school, to knock down this evil system of institutionalized, legalized racial separation."[51]

Despite Hollowell's recognition by protégés such as Marvin Arrington, Shirley Franklin, Julian Bond, and Congressman John Lewis, his role as a central figure in Georgia's civil rights movement has been unacknowledged by scholars, and his contributions are virtually unknown, even among Georgians. In 2010, during a presentation I made to some of Georgia's most talented and diverse graduate and professional students, including law students, I queried students about Hollowell. Only a handful had heard of him, and none could identify any of his achievements other than his involvement in the case that led to UGA's desegregation. Even those from Atlanta, who knew that the Donald Lee Hollowell Parkway was named for him, did not know of his achievements that led to sweeping social changes throughout the city and state.[52]

Illuminating the contributions of this unsung yet transformative civil rights figure provides a fuller understanding of issues of race, equity, and social reform in Georgia and throughout the South during the 1950s and 1960s. This understanding will help illustrate how social change and social

reform result from the hard work and dedication not only of a few celebrated figures whose names are preserved in history books and popular media but also of the countless committed individuals whose contributions, while unacknowledged, are nevertheless crucial.

In addition to this chronicle of Hollowell's civil rights contributions, the significance of his enduring legacy was captured by two events that culminated in 2010: the establishment of the Donald L. Hollowell Distinguished Professorship of Social Justice and Civil Rights Studies at the University of Georgia, and the production of the public television documentary *Donald L. Hollowell: Foot Soldier for Equal Justice*. Less than one year after Hollowell's death, UGA president Michael Adams appointed me to serve as dean of the University of Georgia's School of Social Work, making me only the second African American dean in the 220-year history of the university. Besides God, my parents, and the extended family who reared me, I owe Hollowell and his comrades a debt of gratitude for this opportunity. Recognizing his powerful influence on my life and career, on the history of the University of Georgia, and on the continuing struggle for social justice, shortly after my appointment I was inspired to propose the creation of a distinguished professorship to carry forward Hollowell's legacy. The faculty of the School of Social Work unanimously endorsed the concept and then-university provost Arnett Mace approved the proposal, which established the first distinguished professorship in the history of the University of Georgia named for an African American.

While this was good news, a huge challenge remained. Establishing a distinguished professorship at the university required a minimum endowment of $500,000, a sum that was unprecedented for a single endowment in the forty-year history of the School of Social Work. Success in this endeavor would require a prominent endowment committee that could attract contributions beyond the School of Social Work's donor base, which was comprised largely of passionate social work practitioners whose careers yielded positive social change but did not generate financial wealth.

Fortuitously, a few years earlier, Hollowell had made it possible for me to interview civil rights icon Vernon E. Jordan Jr. to further my research on civil rights in Georgia. Jordan possessed national and international stature; he credited Hollowell in large measure for his achievements; and he would be an extraordinary influence if he were to become involved in development and fund-raising for the Hollowell professorship. I contacted Jordan at his office in New York, and he agreed to meet with me in Atlanta on Novem-

ber 18, 2005, immediately after the Gate City Bar Association's annual awards program, at which he was honored for lifetime achievements in civil rights. The Gate City Bar Association, established in 1948, is the oldest African American Bar Association in Georgia. Austin T. Walden and a small group of African American lawyers organized the professional association to provide educational, social, and community involvement opportunities for African American lawyers, who had been excluded from the segregated bar associations in Atlanta and throughout Georgia.

On the night of the awards ceremony, Jordan was inducted into the Gate City Bar Association Hall of Fame. Hollowell and Walden had been inducted into the inaugural class of honorees in 1997. In Jordan's remarks at the event, he paid homage to Hollowell for giving him his start in the law profession. He also shared the poignant and tragic story of Nathaniel Johnson, a twenty-five-year-old black man whom Hollowell represented in 1960.

In June 1960, less than a month after Jordan began working for Hollowell and only a month after he finished law school, Jordan assisted Hollowell with the Johnson case. Johnson was incarcerated in the Tattnall County State Prison, awaiting execution for raping a white woman in Richmond County, Georgia. Johnson's white attorney had convinced him to plead guilty on the presumption that he wouldn't be given the death penalty. The strategy backfired, and Johnson was sentenced to die in Georgia's electric chair. Johnson's attorney appealed the case to the Georgia Court of Appeals, the Georgia Supreme Court, and the U.S. Supreme Court, but lost in each venue.[53] He also filed a writ of habeas corpus arguing that the state had violated Johnson's rights under the Fifth Amendment.[54] However, he lost this appeal as well, in part because the relevant right was guaranteed under the Fourteenth Amendment instead of the Fifth.

Hollowell and Jordan, at the request of Rev. C. S. Hamilton, president of the Augusta NAACP, entered the case shortly before Johnson's scheduled electrocution to try to save his life. Jordan drove Hollowell to the state prison in Tattnall to visit Johnson. Jordan described Johnson as an extremely handsome man sitting in a prison uniform, shackled to a ball and chain and smoking a cigarette. According to Johnson, he and the woman who accused him of rape had been lovers, and she had made the accusation in anger after an altercation between them in which he refused to give her money for an abortion.[55]

Hollowell marshaled every possible legal effort in various branches of government throughout the state to try to save Johnson from the electric

chair. On June 30, 1960, the day before Johnson's execution date, federal judge Frank Scarlett, a rabid segregationist, arranged for a hearing on a habeas corpus petition filed by Hollowell. Judge Scarlett denied the petition. Quoting Oliver Wendell Holmes's maxim, "Justice delayed is justice denied," he noted that this was a matter for the state courts, not the federal courts.[56] Hollowell and Jordan then proceeded to Reidsville, Georgia, to appeal to Judge Carr, a state court judge, who also swiftly denied their petition.

The following morning, July 1, 1960, the day of the scheduled execution, Hollowell and Jordan frantically made their way to the Atlanta chambers of W. H. Duckworth, the chief justice of the Georgia Supreme Court, who was also unmoved by Hollowell's pleadings. Resolute in his determination, Hollowell then proceeded to the office of Governor Vandiver, whose counsel, Henry Neal, stated that Vandiver would not stop the execution. Unyielding in their effort to save Johnson as time was running out, Hollowell and Jordan then rushed to the Board of Pardons and Parole to plead for a stay of execution. Jordan brought some in the Gate City audience to tears when he recounted that the head of the Board of Pardons and Parole announced, "Hollowell, you're too late. The process has begun."[57] Although Johnson was railroaded to the electric chair in a travesty of justice, absent of due process, Jordan described how Hollowell's meticulous and persistent work in this case was emblematic of his perseverance in the cause of justice. Even as Jordan accepted his well-deserved induction into the Gate City Bar Association Hall of Fame, he honored his mentor for his start and ascendancy in the law.

At the end of the awards program, I reintroduced myself to Jordan and invited him to join me at a nearby restaurant to discuss the Hollowell professorship. Jordan had only a few minutes due to his flight schedule, and he guided me to a corner table away from a group seeking his autograph. He was very direct about his thoughts related to endowing a professorship for Hollowell and noted that many people were trying to raise money for Hollowell memorials. Moreover, he said that Louise Hollowell had contacted him about returning to Atlanta to participate in several fundraising memorial events for her late husband.

I had rehearsed my arguments about how the Hollowell Distinguished Professorship at UGA would create an enduring legacy and how it would be poetic justice for the institution that had spurned him to create a prestigious professorship to continue his legacy. Moreover, I told Jordan that the Foot Soldier Project for Civil Rights Studies at UGA was developing a historical documentary chronicling Hollowell's legacy. However, my carefully

prepared rationale did not convince Jordan to lend his support to the professorship. He candidly stated that he would not help with the project unless I could persuade Louise Hollowell to singularly focus on the Hollowell professorship as a memorial to her husband.

Louise was, understandably, still grieving her husband's death and was open to the dozens of individuals who had approached her with ideas to continue her husband's legacy, no matter how farfetched. Nonetheless, I urged her to consider making the Hollowell professorship a focal point for continuing her husband's legacy. Although she valued the adulation that many individuals and groups showered on her husband in their efforts to create memorials, she understood the magnitude of a named professorship at Georgia's flagship institution, where her husband had helped Hamilton Holmes and Charlayne Hunter break through the color barrier. Shortly before the 2005 winter break, Louise informed me that fund-raising for a few small memorial scholarships in Hollowell's name would end within a few months, and she consented to focus her support on the endowment of the Hollowell professorship.

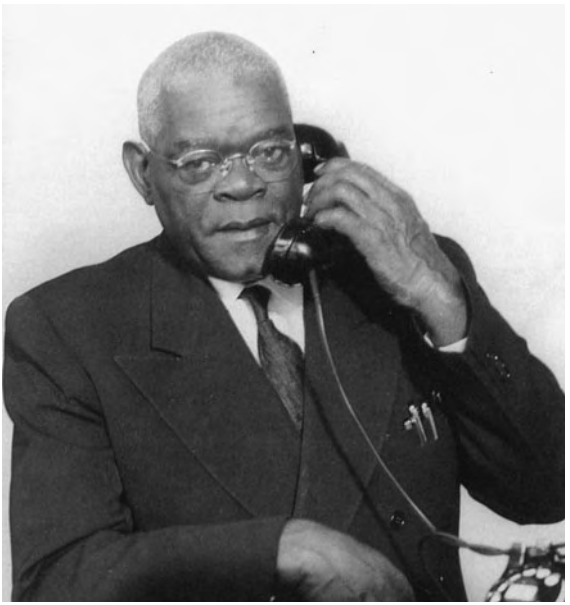
On December 20, 2005, I called Vernon Jordan to tell him of Louise's decision. In response, Jordan was now as pointed in agreeing to chair the Hollowell Endowment Committee as he had been in telling me he would not support the idea unless I convinced Louise to become more centrally focused. He said, "I am your man; let's get to work." Jordan assembled an impressive group of individuals from business, civil rights, and law to join the endowment committee. Jordan himself made a lead gift to the endowment fund, and UGA president Michael Adams, who chaired the Board of the Georgia Athletic Association (GAA), with the support of then–athletic director Damon Evans, made a substantial gift from the GAA.

In spring 2010, the Foot Soldier Project for Civil Rights Studies completed production of the public television documentary *Donald L. Hollowell: Foot Soldier for Equal Justice*. Narrated by Peabody-award winning journalist and one of Hollowell's most celebrated clients, Charlayne Hunter-Gault, the documentary follows Hollowell through his civil rights achievements in the 1950s and 1960s, including his service as lead counsel in the landmark case that led to the desegregation of the University of Georgia, his legal victory that won the release of Martin Luther King Jr. from the Reidsville State Prison, and his role as chief counsel in the historic Albany Movement.

On April 15, 2010, at the world premiere of the documentary in Atlanta, Jordan officially announced that the Hollowell Endowment Committee

had succeeded in fully endowing the first-ever distinguished professorship named for an African American at the University of Georgia. In announcing the professorship, Jordan remarked, "It was my special honor to work with the University of Georgia, School of Social Work, and the university community while serving as chairman of the Donald L. Hollowell Professorship Endowment Committee. Mr. Hollowell was one of the most prominent attorneys and social justice advocates during the Civil Rights era. It is a fitting tribute that the University of Georgia establishes the first distinguished professorship named for an African American in his honor."[58]

Fittingly, the professorship and the premiere were supported by major corporations, Georgia's leading law firms, and hundreds of individual donors, including many direct beneficiaries of Hollowell's achievements in the civil rights arena. Hollowell's courage, brilliance, dignity, and dedication to the cause of equal justice helped form the backbone of a movement that brought about sweeping social changes in American history. It is most appropriate, then, that a distinguished professorship named for him will be a center of intellectual development as it continues the powerful legacy of this American hero at Georgia's flagship university.



Hollowell's father, Harrison H. Hollowell. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell's mother, Ocenia B. Hollowell. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Donald L. Hollowell (bottom right) in a sixth-grade school photo. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.




Hollowell and basketball team, ca. 1940s. Hollowell is only partly visible, fourth from left in the back row. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell as a second lieutenant in the U.S. Army. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Lieutenant Hollowell, fourth from left, Headquarters Company Officers. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Donald and Louise Hollowell—bride and groom—New York, Cafe Zanzibar, early 1940s. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell ("Lane College Delegate") at the Southern Youth Negro Congress in 1946. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Horace T. Ward, Constance Baker Motley, and Donald L. Hollowell, 1961. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell with Charlayne Hunter, Hamilton Holmes, and Hunter's mother, Althea Hunter, 1961. Marilyn Holmes personal archives.




Hollowell, civil rights leaders, and the press, ca. 1961. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.

Facing page: Hamilton Holmes (foreground) leaving the University of Georgia after attempting to register in 1961. He is accompanied by Hollowell (right) and Rev. Dr. Samuel Williams (left), president of the Atlanta Branch of the NAACP and pastor of Friendship Baptist Church in Atlanta. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.






C. B. King, Hollowell, and Vernon E. Jordan Jr., Albany, Georgia in 1961. Courtesy of A. E. Jenkins Photography, Albany, Georgia.



Hollowell with Duke Ellington and Jack Greenberg at a New York City fund-raiser for Hollowell's 1964 superior court judge campaign. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Horace T. Ward with A. T. Walden (left) and Hollowell (right) on the steps of the Georgia capitol, 1964. Horace T. Ward personal archives.



Hollowell, Constance Baker Motley, Coretta Scott King, and Wyatt Tee Walker, 1960s. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.




Pamphlet from Hollowell's 1964 candidacy for superior court judge. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.




Donald and Louise Hollowell leaving the Atlanta Biltmore Hotel following the first integrated Bar Association dinner, 1965. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell, EEOC chairman Franklin D. Roosevelt Jr., and Mrs. Lowe, New York City, 1966. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell and attorney Howard Moore with defendant Preston Cobb (center). Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell visiting with presidential candidate Jimmy Carter at a 1976 Voter Education Project dinner. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell being sworn in as honorary member of Phi Alpha Delta law fraternity with attorneys Wiley Branton, former dean of the Howard University Law School, and Vernon E. Jordan Jr., former president of the National Urban League, 1978. At far right is the late Supreme Court justice William O. Douglas. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell and U.S. Senator Edward Kennedy. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



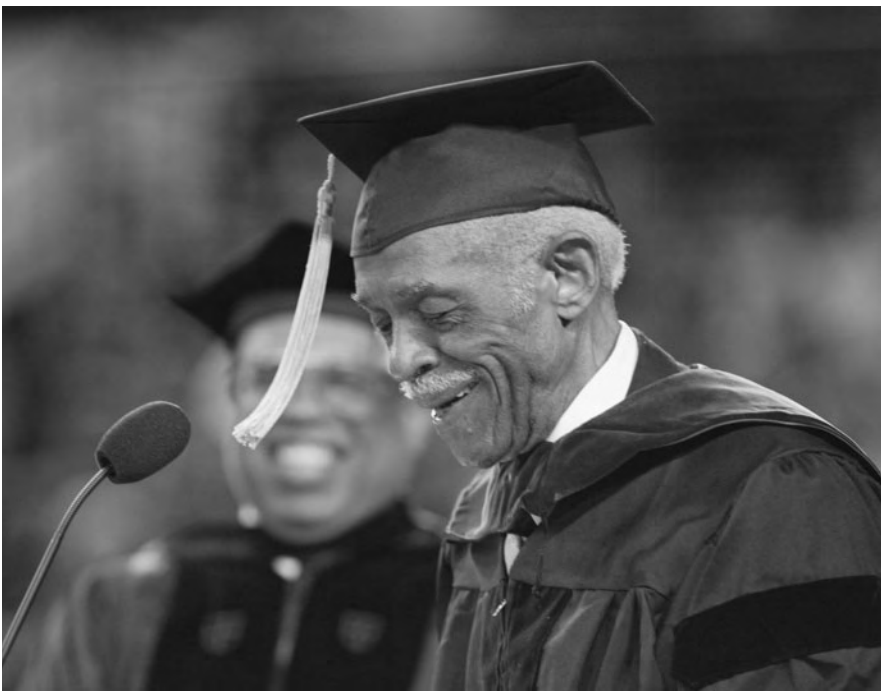
Hollowell and Marvin Arrington Sr. at Gate City Bar Association retirement dinner, 1986. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Mrs. Coretta Scott King making remarks at the Ebenezer Baptist Church Intergenerational Resource Center Tribute to Hollowell, 1990. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Iris Hollowell Baker, Corretta Scott King, Thelma Hollowell, Harry H. Hollowell, Corinne Hollowell Oliver, Hollowell, and Louise T. Hollowell at the Ebenezer Baptist Church Intergenerational Resource Center Tribute to Hollowell, 1990. Donald L. Hollowell Papers, Auburn Avenue Research Library on African American Culture and History Archives Division.



Hollowell speaks at the University of Georgia commencement ceremony, 2002. Hollowell was awarded an honorary doctor of laws degree. Photo by Peter Frey/UGA.

# Notes

INTRODUCTION

1. Hamilton E. Holmes et al. v. Walter N. Danner et al., Civ. A. No. 450, Federal Records Center, East Point, Ga. (December 1960).

2. During an interview with the author, Louise Hollowell noted that she sustained an injury while climbing a fence during her childhood. While physicians were unable to definitively identify the reason she was unable to bear children, she had concluded that it was due to the childhood injury.

3. See Daniels, *Horace T. Ward* (2001); Daniels, *Horace T. Ward* (2004); and *Foot Soldier for Equal Justice*.

4. Jordan and Gordon-Reed, *Vernon Can Read!*, 126, 140–41. Jordan is one of the major civil rights figures in American history. Besides his work with Hollowell, the NAACP, and the National Urban League, he served as director of voter education for the Southern Regional Council and later became executive director of the United Negro College Fund. He now serves as senior managing director of the investment firm Lazard Freres & Company in New York and is counsel to the law firm Akin, Gump, Strauss, Hauer, & Feld. For his broad and distinguished contributions to society and his influence on the University of Georgia, the South, and the national and global political stage, in 2007 the University of Georgia awarded him an honorary doctor of laws degree.

5. *Holmes*, Civ. A. No. 450; King v. State, 119 S.E. 2d 77, 79, 81 (Ga. App. 1961).

6. Motley, *Equal Justice under Law*, 166.

7. Fairclough, *To Redeem the Soul*, 107–9; Garrow, *Bearing the Cross*, 226–28; Joseph E. Lowery, interview with author, Atlanta, June 1, 2004.

8. Greenberg, *Crusaders in the Courts*, 19; Motley, *Equal Justice under Law*, 99.

9. Donald L. Hollowell, interview with author, Atlanta, July 27, 1993.

10. Report of D. L. Hollowell, Legal Redress Committee, Chairman, Fifteenth Annual Convention, Georgia State Conference of Branches, National Association for the

Advancement of Colored People, December 8, 1956, Selected Branch Files, Series A: The South, Papers of the NAACP, NAACP Archives, Library of Congress, Washington, D.C. (hereafter cited as Papers of the NAACP). Reproduced copies of the 1913–50 and 1951–55 records are located in the University of Georgia Libraries.

11. Hamilton E. Holmes, interview with author, Atlanta, February 24, 1995.

12. H. D. Coke v. the City of Atlanta, 184 F. Supp. 579, Civ. A. No. 6733, U.S. District Court (N.D. Ga. 1960).

13. Williams, *Eyes on the Prize*.

14. See Holmes v. Danner, 191 F. Supp. 394 (M.D. Ga. 1961)

15. Woodward, *Strange Career of Jim Crow*, 6–7.

16. "Atlanta to Celebrate Emancipation Day," *Atlanta Inquirer*, December 29, 1962.

17. Quoted in Gate City Bar Association and Georgia Conference of Black Lawyers' program, Atlanta, Georgia, September 6, 1981. The organizations honored Hollowell for "Outstanding Contributions in the field of Law, Human Relations and Civil Rights." Jack Greenberg, Vernon E. Jordan, Benjamin E. Mays, and Charlayne Hunter-Gault joined in saluting Hollowell for his civil rights work on the occasion.

18. Brown-Nagin, "Reconstructing Civil Rights," 8. See also Mack, *Representing the Race*, 6–7.

19. Ibid.

20. Lawson, "Freedom Then, Freedom Now," 457.

21. Eagles, "Toward New Histories," 836.

22. Charlayne Hunter-Gault, interview with author, Atlanta, June 14, 2006.

23. While the *Atlanta Inquirer* evolved from the passions of student activists for social change, the paper was launched by a coalition of student activists and established black leaders. Black leaders on the inaugural board of directors included J. Lowell Ware, Jesse Hill, M. Carl Holman, E. M. Martin, J. B. Blayton Jr., Rev. J. A. Middleton, Herman Russell, Mrs. C. H. Gibson, J. C. Johnson, Dr. Charles Goosby, Leroy Johnson, and Dr. Clinton Warner. See "Jesse Hill Heads Inquirer Inc.: Stockholders Elect Board," *Atlanta Inquirer*, September 5, 1960, 1, 3.

24. Jondelle Johnson, "Negroes Expected to Ignore Walden Letter, Webb Big Money," *Atlanta Inquirer*, September 6, 1964. See also Lonnie King, interview with author, Atlanta, December 20, 2011; Frank Smith Jr., interview with author, Atlanta, December 15, 2011.

25. Crosby, *Civil Rights History from the Ground Up*, 5. Crosby observes that local and state studies by John Dittmer, Charles Payne, and Adam Fairclough call into question many of the top-down generalizations by studies of national leaders, major events, and pivotal legal and political milestones. In contrast, they highlight how studying the importance of the movement's local, indigenous base fundamentally alters our view of the movement and its significance. See Dittmer, *Local People*; Payne, *I've Got the Light of Freedom*; Fairclough, *Race and Democracy*.

26. Letter from Howard Moore to author, June 26, 2011; Lonnie King, interview, December 20, 2011.

27. For examples of legal cases that Hollowell led that resulted in the desegregation of public accommodations and transit systems, see Alexander v. Bibb Transit Company, Civ. A. no. 1822 (M.D. Ga. 1962); Taylor v. City of Augusta, Civ. A. No. 972 (S.D. Ga. 1962); George Willis, Jr., Woodrow T. Lewis, and Albert L. Dunn, Plaintiffs, Robert F. Kennedy, Attorney General, Intervenor v. The Pickrick Restaurant, a Corporation, and Lester G. Maddox, Defendants, U.S. District Court, 234 F. Supp. 179 (N.D. Ga. 1964).

28. Hunter-Gault, interview, June 14, 2006.

## CHAPTER ONE. Preparing for Battle

1. Kellogg, NAACP, 23; Lewis, *W. E. B. Du Bois*, 316–18.

2. Kellogg, NAACP, 23–24.

3. Ross, *J. E. Spingarn*, 18; Greenberg, *Crusaders in the Courts*, 14; Kellogg, NAACP, 11–12.

4. Barbeau and Henri, *Unknown Soldiers*, xii. See also Lewis, *W. E. B. Du Bois*, 56–57; Alridge, *Educational Thought of W. E. B. Du Bois*, 72.

5. Barbeau and Henri, *Unknown Soldiers*, xviii.

6. Zangrando, NAACP *Crusade against Lynching*, 4.

7. Feimster, *Southern Horrors*, 172; Litwack, *Trouble in Mind*, 291.

8. L. Hollowell and Lehfeldt, *Sacred Call*, 27.

9. McNeil, *Groundwork*, 47.

10. L. Hollowell and Lehfeldt, *Sacred Call*, 28–30.

11. Donald L. Hollowell, interview with author, Atlanta, Georgia, July 27, 1993; L. Hollowell and Lehfeldt, *Sacred Call*, 31, 33–36; Janice Hollowell, telephone interview with author, October 13, 2009.

12. Report made by James R. Valley on Donald Lee Hollowell, Federal Bureau of Investigation, file no. 121-8, January 27, 1948.

13. Donald L. Hollowell, interview, July 27, 1993.

14. L. Hollowell and Lehfeldt, *Sacred Call*, 30.

15. Ibid.

16. During slavery, whites, especially in the South, often violently opposed education for blacks on any level, let alone a college education. Most of the southern states even enacted legislation making it a crime to teach enslaved children to read or write. See J. D. Anderson, *Education of Blacks*, 2–3.

17. Holmes, *Evolution of the Negro College*, 205. Northern benevolent societies, the black church, and the Freedmen's Bureau engaged in measures to extend educational opportunities to blacks after the Civil War.

18. J. D. Anderson, *Education of Blacks*, 2–3.

19. Report made by Valley on Hollowell.

20. J. D. Anderson, *Education of Blacks*, 159, 260.

21. For a study of the struggle for civil rights and social change in America's heartland, see Eick, *Dissent in Wichita*.

22. Donald L. Hollowell, interview, July 27, 1993.

23. Wilson, *Greenwood County, Kansas, History Book*, 1:117.

24. Wolters, *Negroes and the Great Depression*, ix.

25. Research on Hollowell and his family shows that his father was enterprising and by 1935 worked full time as a guard at a state prison. Based on the fact that Hollowell's father was gainfully employed during the Great Depression and that both parents had college educations and valued education so highly, one might expect that they would have found a way to support Hollowell in completing his senior year in high school. Yet according to Louise Hollowell and Martin Lehfeldt in *The Sacred Call*, Hollowell's father asked him to quit school and find full-time work the summer before his senior year.

Perhaps, in light of the harsh realities of the Depression, Hollowell's parents were simply guiding him to job security during uncertain and bleak economic times, or the family may have been in debt from Harrison Hollowell's business pursuits. Based on my archival research and interviews, I was unable to determine whether there were reasons other than financial hardship that led his father to ask him to leave school and secure a full-time job just a year before his scheduled high school graduation. In an interview on October 13, 2009 with Janice Hollowell, daughter of Harry Hollowell and niece of Donald, she stated that financial circumstances may have led to Donald Hollowell quitting school.

26. See Schubert, *Voices of the Buffalo Soldier*, 4–5.

27. Ibid, 5.

28. Knapp, *Buffalo Soldiers at Ft. Leavenworth*, 3; Janice Hollowell, interview, October 13, 2009. Harry H. Hollowell attended the Army Music School in 1942 and graduated as a bandleader. He served as a bandmaster in the United States and overseas and retired as a chief warrant officer in August 1964 after more than twenty-eight years of military service. On June 19, 2009, Fort Leavenworth named a street on the base Harry H. Hollowell Drive.

Hollowell's siblings also included older sister Corinne, younger sister Iris, and brother Wendell, who died during infancy. Corinne was born June 24, 1916, in Independence, Kansas, and died on November 28, 1997. She had a thirty-year career with the U.S. government. Iris was born April 10, 1921, in Wichita, Kansas. Iris attended Leavenworth High School in Leavenworth, Kansas, and continued her education in California, earning a bachelor of arts in sociology from San Francisco State University. She was a teacher at Berkeley High School and later became a social worker for the County of Alameda, California, a position from which she retired after nineteen years of service. She was married to M.Sgt. George Baker, who preceded her in death. Iris died on September 13, 2004.

29. Donald L. Hollowell, interview, July 27, 1993.

30. See Cooke, *Lane College*, 1–2.

31. L. Hollowell and Lehfeldt, *Sacred Call*, 42–43; Donald L. Hollowell, interview, July 27, 1993.

32. Donald L. Hollowell, interview, July 27, 1993.

33. L. Hollowell and Lehfeldt, *Sacred Call*, 52–53.

34. Donald L. Hollowell, interview, July 27, 1993; Martin Lehfeldt, interview with author, Atlanta, June 22, 2004.

35. Louise T. Hollowell, interview with author, Atlanta, May 27, 2004. Louise Thornton was born to Benjamin and Lillie Scott Thornton on September 25, 1913, in Iron City, Decatur County (now Seminole County), Georgia. She grew up on a small plantation owned by her paternal grandmother, Diller Thornton, who deeded a small parcel to her son. Louise attended the segregated elementary school in the area. By the time she completed elementary school, her parents had separated, and she moved with her mother and maternal grandmother, Mary Ross, to Bainbridge, Georgia, where she attended school through the ninth grade.

Louise later moved with her mother and grandmother to Eustus, Florida, where her mother enrolled her in the Commercial High School of Edward Waters College in Jacksonville, Florida. While attending Edward Waters, she also took courses in business. After completing high school, Louise moved to New York and enrolled in the Apex Beauty College, located at Seventh Avenue and 135th Street in Harlem. Apex's owner, Sarah Spencer Washington, also owned seven other schools of cosmetology across the country. In 1936 she recruited Louise, who had earned business credits at Edward Waters, to operate the Apex News and Hair Company located on historic Auburn Avenue in Atlanta.

While working at the Apex, the ambitious Louise opened her own salon and also attended Morris Brown College's evening program. Majoring in American literature, she graduated magna cum laude and later completed her master's degree at Atlanta University. Morris Brown employed Louise in a part-time teaching position, and she eventually moved to a full-time position in the English department. She also studied at the University of Chicago while completing her master's thesis, which coincided with her husband's matriculation in law school at Loyola University in Chicago. Louise also completed courses at Boston University and took a leave from Morris Brown to pursue literary studies at the University of Pennsylvania.

In 1982, Louise retired from teaching at Morris Brown after more than thirty-five years. After her retirement, she served for nine years as a member of the board of trustees at Morris Brown, where she continues to serve as a professor of English (emerita). See Louise T. Hollowell, interview with author, Atlanta, Georgia, May 27, 2004. Foot Soldier Project Collection, Russell Library, University of Georgia Libraries, Athens.

36. Ibid.

37. Ibid.

38. Lehfeldt, interview, June 22, 2004.

39. Louise T. Hollowell, interview with author, Atlanta, Georgia, June 16, 2008.

40. Donald L. Hollowell, interview, July 27, 1993.

41. L. Hollowell and Lehfeldt, *Sacred Call*, 63.

42. Donald L. Hollowell, interview, July 27, 1993.

43. For a study of the Tuskegee Airmen, see B. O. Davis, *Benjamin O. Davis, Jr., American*; Homan and Reilly, *Black Knights*.

44. L. Hollowell and Lehfeldt, *Sacred Call*, 68.

45. Ibid. The full texts of several of Donald and Louise Thornton Hollowell's letters, including their correspondence while Hollowell was in Europe, are printed in *The Sacred Call*. The letters display the couple's love for and devotion to each other. They were married for sixty-two years, until Hollowell's death in 2004.

46. Ibid., 81. During Hollowell's freshman year at CME-supported Lane College, he joined the Christian Methodist Episcopal (CME) Church and became active in religious life on campus, representing the campus ministry at the Methodist Youth Conference in Estes Park, Colorado, during the summer of 1941. After moving to Atlanta, Hollowell joined the Butler Street CME Church. He was a member of the CME congregation for over sixty years and served his church in virtually every capacity. As noted in Louise Hollowell and Martin Lehfeldt's memoir on Hollowell, Hollowell believed he had a sacred call to serve God and that his civil rights work was a vital part of that calling. Rev. Anthony Alford Sr., pastor at Butler Street CME from 1995 to 2010, observed:

> There was nothing common about Donald Hollowell. He was an outstanding military servant, outstanding athlete, outstanding and remarkable barrister. He was an excellent husband, loving and dedicated brother and son, consummate Christian layman, and he was a neighbor to everyone he met.
>
> So when we get down to his service and his time in church, it was really no different than what he did in every other aspect of his life. Donald Hollowell acted in the church with the greatest sense of commitment and the greatest sense of urgency that anyone could really ever exact. He was a Sunday school teacher and a Sunday school superintendent. He served as chair and member of the board of stewards, as a member and chair of the board of trustees, and as the church's attorney. . . .
>
> Many times after being in South Georgia, or North Georgia, or wherever his agenda took him, Donald Hollowell was back at Butler Street at 6:30 or 7:00 in the evening for a board of trustees meeting. For him, everything was sacred, and because everything was sacred he thought that his life needed to be spent in doing the things that promoted the will, not only of God, but the will of people, the will of the community, the will of right causes, and the appropriation of energy to make sure everybody lived in full measure of their rights. Just as he ascended to become Georgia's chief civil rights attorney, Hollowell became the lead counsel for the general CME Church. In addition to his service as church attorney for the Butler Street congregation, he served as counsel for the general

CME Church and as the district and national chairman of the church's judicial council, which adjudicated grievances across the eleven districts of the church that include the continental United States, parts of the West Indies and the Caribbean, and West and Central Africa. To honor Hollowell's service to his church and community, the Butler Street congregation named its men's fellowship the D. L. Hollowell Men's Fellowship. The congregation also founded the Donald L. Hollowell Golf Foundation Inc., a nonprofit foundation for the advancement of his principles and the support of community service.

Rev. Anthony Alford Sr., telephone interview with author, Athens, Georgia, August 19, 2010.

47. Kelley and Lewis, *To Make Our World Anew*, xvi–xvii.

48. Barbeau and Henri, *Unknown Soldiers*, xii.

49. Alridge, *Educational Thought of W. E. B. Du Bois*, 114.

## CHAPTER TWO. A Legal Education

1. For a history of the NAACP, including the NAACP's activism during World War II, see Sullivan, *Lift Every Voice*.

2. Smith v. Allwright, 321 U.S. 649 (1944).

3. Ibid.

4. Primus King Papers.

5. King v. Chapman, 62 F. Supp. 639 (M.D. Ga. 1945); King v. Chapman, 154 F. 2d 460 (5th Cir. 1946).

6. The 1965 Voting Rights Act prohibited the use of poll taxes and literacy tests and empowered the federal government to monitor southern states and counties that regularly changed voting rules to deny black citizens the right to vote. See also Elmore v. Rice, 72 F. Supp. 516 (1947). George Elmore, a black businessman in Columbia, South Carolina, won a 1947 U.S. District Court decision in *Elmore v. Rice* that struck down the white primary in South Carolina. Thurgood Marshall and Robert Carter worked on the case with South Carolina attorney Harold Boulware. Lonnie Smith, Primus King, and George Elmore were catalysts for social change in their local communities that impacted the struggle for civil rights. For a study of change effected by local people that transformed the closed society and opened up the political process to African Americans, see Dittmer, *Local People*.

7. Donald L. Hollowell, interview with author, Atlanta, August 22, 1994.

8. For information on SNYC, see Gellman, *Death Blow to Jim Crow*. For information on SNCC, see Hogan, *Many Minds, One Heart*; Carson, *In Struggle*; Carmichael and Hamilton, *Black Power*; Carmichael, *Stokely Speaks*. For information on SNYC leader Esther Cooper Jackson, see James E. Jackson and Esther Cooper Jackson Papers. SNYC and SNCC pursued similar goals and shared a common vision to eliminate second-

class citizenship and attain full rights for African Americans. Both of these student-led organizations fought for racial equality within the larger context of the battle for civil and human rights in the United States. Although SNYC did not influence social change on the level of SNCC in the 1960s, it made important strides in empowering southern blacks and helped lay the groundwork for SNCC.

9. Donald L. Hollowell, interview, August 22, 1994. See also Alridge, *Educational Thought of W. E. B. Du Bois*,113–14.

10. Donald L. Hollowell, interview, August 22, 1994.

11. L. Hollowell and Lehfeldt, *Sacred Call*, 87–88.

12. "Powell, Robeson to Speak, Sing!" *Southern Negro Youth Congress News Bulletin* (October 1946): 1–4; Donald L. Hollowell, interview, August 22, 1994.

13. Donald L. Hollowell, interview, August 22, 1994.

14. Testimony of Paul Robeson, Washington, D.C., June 12, 1956, *Hearings Before the Committee on Un-American Activities*, House of Representatives, 84th Cong., 2d Sess.

15. Kelley and Lewis, *To Make Our World Anew*, 453–54.

16. See Paul Robeson, *Here I Stand*; Paul Robeson Jr., *Undiscovered Paul Robeson*.

17. Memorandum from FBI Director J. Edgar Hoover to Chicago FBI office, Federal Bureau of Investigation, January 5, 1948, Department of Justice, Federal Bureau of Investigation Files, National Archives and Records Administration, Washington, D.C. (hereafter cited as FBI Files).

18. William H. Lawrence report on Donald Lee Hollowell, Federal Bureau of Investigation, file no. 121-7, February 8, 1948, FBI Files.

19. Paul K. Pinkerton report on Donald Lee Hollowell, Federal Bureau of Investigation, file no. 121-53, February 6, 1948, FBI Files.

20. Memorandum from FBI Director J. Edgar Hoover to FBI Washington Field Office, Federal Bureau of Investigation, March 4, 1948, FBI Files.

21. Thomas H. Davis Jr. report on Donald L. Hollowell, Federal Bureau of Investigation, file no. 121-9, January 30, 1948, FBI Files.

22. Memorandum from Assistant Attorney General Alexander M. Campbell to FBI Director J. Edgar Hoover, file no. 121-1016-18, September 29, 1949, FBI Files.

23. Charles Hamilton Houston was perhaps the quintessential example of a World War I soldier whose experiences with racial injustice while serving in the army propelled him to fight for social justice. For a study of Houston and his triumphant civil rights record, see McNeil, *Groundwork*.

24. Donald L. Hollowell, interview, August 22, 1994.

25. Howard J. Lonergan report on Donald Lee Hollowell, Federal Bureau of Investigation, file no. 121-1016-21x, December 17, 1952, FBI Files.

26. Ibid.; Louise T. Hollowell, interview with author, Atlanta, May 27, 2004; L. Hollowell and Lehfeldt, *Sacred Call*, 94–95.

27. Constance Baker Motley, interview with author, New York, March 30, 1995.

28. For a study of NAACP lawyer Thurgood Marshall, see Tushnet, *Making Civil Rights Law*.

29. Tushnet, *NAACP's Legal Strategy*, 115. NAACP officials had begun to consider strategies to mount a direct attack on segregation in the early 1930s. Tushnet covers the evolution of the NAACP's strategy.

30. Letter from C. E. Price to Donald L. Hollowell, May 17, 1957, Civil Rights Files, Donald L. Hollowell Personal Archives, Auburn Avenue Research Library on African American Culture and History, Atlanta, Georgia (hereafter cited as Donald L. Hollowell Personal Archives).

31. See Donald L. Hollowell Civil Rights Files, Donald L. Hollowell Personal Archives.

32. Donald L. Hollowell, interview, August 22, 1994.

33. For information on black lawyers after the Civil War and during the first half of the twentieth century, see Smith, *Emancipation*, 191–209, 242–43.

34. King v. Chapman, 154 F. 2d 460 (5th Cir. 1946).

35. Letter from William M. Boyd to Thurgood Marshall, August 19, 1949, Legal File: Schools-Irwin County, Georgia, Supplement to Part I, 1940–1955, Campaign for Educational Equality: Legal Department and Central Office Records, Papers of the NAACP.

36. From the time he passed the bar in 1952 until he established his own office in 1953, Hollowell shared office space with attorney Cassandra Maxwell Birnie at 864 Hunter Street in Atlanta. Birnie had graduated from Spelman College and Howard University Law School and became the first black woman to practice law in her home state of South Carolina. Birnie was a well-respected lawyer in Atlanta's black community. She specialized in family law, small business transactions, contracts, probate, and estates. Although Hollowell shared office space with her for only a year, she provided an important entrée and base for Hollowell to establish his law practice. See L. Hollowell and Lehfeldt, *Sacred Call*.

37. Jesse Hill, interview with author, Atlanta, December 17, 1996. Born in St. Louis, Jesse Hill Jr., a young actuary trained at the University of Michigan, joined the Atlanta Life Insurance Company in the late 1940s. In 1973, the company elevated him to the position of chief executive officer. Hill was a member of the Education Committee of the Atlanta branch of the NAACP and the progressive Atlanta Committee for Cooperative Action, which mobilized efforts to rid the city of racial segregation. In addition to Hill's community activism, he supported desegregation efforts financially through the Atlanta Life Insurance Company. Hill played a key role in supporting pivotal legal cases that led to the desegregation of education in Georgia. Hill was also a behind-the-scenes champion in the Atlanta sit-in movement that helped end segregation in public facilities. For biographical information on Hill and more on the Atlanta Life Insurance Company, see Henderson, *Atlanta Life Insurance Company*.

38. See Till-Mobley and Benson, *Death of Innocence*.

39. For additional information on the murder of Emmett Till and its aftermath, see Houck and Grindy, *Emmett Till*; *Untold Story of Emmett Louis Till*.

40. Tolnay and Beck, *Festival of Violence*, 19, 50; Inscoe, *Georgia in Black and White*, 268.

41. National Association for the Advancement of Colored People, *Thirty Years of Lynching*, 7. As reported in the NAACP publication, between 1889 and 1918 the number of lynchings in Georgia exceeded that of any other state. Georgia had 386 lynch victims during those years, followed closely by Mississippi with 373 victims. See also Myrick-Harris and Harris, "Atlanta in the Civil Rights Movement."

42. See Wexler, *Fire in a Canebrake*. For a study of the brutal treatment of blacks during the Jim Crow era, see also Litwack, *Trouble in Mind*.

43. Quoted in Wexler, *Fire in a Canebrake*, 81.

44. Brundage, *Lynching in the New South*, 253–54.

45. Mixon, *Atlanta Riot*, 38.

46. Bauerlein, *Negrophobia*, 41; Godshalk, *Veiled Visions*, 49.

47. Mixon, *Atlanta Riot*, 1.

48. See Godshalk, *Veiled Visions*; Bauerlein, *Negrophobia*.

49. Dorsey, *To Build Our Lives Together*, 3.

50. See Tuskegee University Archives, Tuskegee University Libraries, Tuskegee, Alabama.

51. The phrase "too busy to hate" was coined by Mayor William Hartsfield in a speech to the National Toastmasters in 1955 and popularized in the 1950s by Atlanta's business and political leaders as a way to downplay racial issues and emphasize the city's business-friendly environment. Kruse, *White Flight*, 3, 40; Alex Coffin, "Ex-Mayors Bullish on Future," *Atlanta Journal* and *Constitution*, January 18, 1970.

52. Trillin, *Education in Georgia*, 8.

53. Julian Bond, interview with author and Derrick P. Alridge, Charlottesville, Virginia, October 21, 2004.

54. Myrick-Harris and Harris, "Atlanta in the Civil Rights Movement," 4.

55. Tolnay and Beck, *Festival of Violence*, 19; Brundage, *Lynching in the New South*, 257.

56. Smith, *Emancipation*, 243.

57. Mack, *Representing the Race*, 62.

58. L. Hollowell and Lehfeldt, *Sacred Call*, 100.

59. Keeler McCartney, "Escaped, Warned Slain Man, Couple Reports," *Atlanta Constitution*, November 7, 1953; Keeler McCartney, "New Parked Car Incident in Area of Side-Road Slaying Is Disclosed," *Atlanta Journal*, November 6, 1953.

60. "Nash Trial Opens Wed.," *Atlanta Daily World*, January 12, 1954; "Second Nash Trial Opens with NAACP Attys. Quizzing Witness," *Atlanta Daily World*, March 23, 1954.

61. McCartney, "New Parked Car Incident."

62. Ibid.; Richard Ashworth, "Suspect Admits Lindsey Attack, Police Disclose," *Atlanta Constitution*, November 9, 1953.

63. In the author's review of police records, court records, and media coverage related to the *Nash* case, there were several references to a white fisherman; however, he was not identified by name.

64. "Police Say Man Admits to Killing in Self-Defense," *Atlanta Daily World*, November 10, 1953, 1, 11; "Nash Cited in Murder Indictment," *Atlanta Constitution*, November 11, 1953, 32.

65. "Police Say Man Admits to Killing."

66. State v. Willie Nash, Fulton County Superior Court, Clerk's No. 70024, 70025, 70026 (November 10, 1953); "Man Indicted in Road Killing," *Atlanta Journal*, November 10, 1953; "Jury Indicts Man Held for Woods Death," *Atlanta Daily World*, November 11, 1953.

67. "Nash Trial Opens Wed."

68. Leroy Johnson, interview with author, Atlanta, December 17, 1996.

69. Donald L. Hollowell, interview with author, August 22, 1994.

70. "Lover's Lane Murder Case," *Atlanta Daily World*, January 15, 1954.

71. Ibid.

72. Ibid.

73. State v. Willie Nash, Fulton County Superior Court, Clerk's No. 70024 (January 1954); "Lover's Lane Murder Case," *Atlanta Daily World*; "Second Nash Trial Opens."

74. For an account of the Herndon trial, see Herndon, *Let Me Live*. Herndon was represented by Harvard University law graduate Davis and self-taught black lawyer John H. Geer, both retained by the Communist-backed International Labor Defense. Herndon was found guilty in the Georgia courts, but his conviction was overturned by the United States Supreme Court in 1935.

75. Smith, *Emancipation*, 200.

76. Moore, "Tenth Black Lawyer in Georgia," 214.

77. L. Hollowell and Lehfeldt, *Sacred Call*, 102.

78. "Second Nash Trial Opens"; "NAACP Lawyers Block Viewing of Confession as Nash Case Evidence," *Atlanta Daily World*, March 26, 1954.

79. "NAACP Lawyers Block Viewing."

80. State v. Willie Nash, Fulton County Superior Court, Clerk's No. 70024 (March 31, 1954).

81. State v. Willie Nash, Superior Court of Fulton County, Criminal Division, Petition (March 31, 1954).

82. State v. Willie Nash, Superior Court of Fulton County, Criminal Division, 70025, 70026 (October 29, 1957).

83. In 1932 William Alexander Scott II was the first black person after the Civil War to publish a daily newspaper in the United States: the *Atlanta Daily World*. See McKerns, *Biographical Dictionary of American Journalism*.

84. Howard Moore, interview with author, Atlanta, June 10, 2004. Moore grew up in Atlanta; his father was a tailor and semipro ballplayer, and his mother was a prac-

tical nurse. Moore was also raised by his Aunt Fannie, a school principal, who had a major influence on his learning and aspirations. After hearing Thurgood Marshall speak at an NAACP convention, Moore became interested in practicing law. He earned his BA in political science from Morehouse College in 1954, then served in the U.S. Army until 1956. After his discharge, Moore attended law school at Boston University. In 1962, when Moore returned to Georgia to begin his law practice with Hollowell, he was only the tenth black lawyer in the state. See Moore, "Tenth Black Lawyer in Georgia."

85. For a comprehensive study of *Brown v. Board of Education* and its historical background, see Kluger, *Simple Justice*.

86. "Interposition Is an Appeal to Reason," in Griffin, *Interposition Address of Governor Marvin Griffin*, 2, 3.

87. *The Southern Manifesto*, 102nd Cong. Rec., 4515–1516 (1956).

88. Donald L. Hollowell, interview, August 22, 1994.

## CHAPTER THREE. The Road to Freedom

1. See McNeil, *Groundwork*. Martin Luther King Jr.'s quotation is from his speech to the Bar Association of the City of New York, cited by McNeil in her preface, xv.

2. University Archives and Records Management, Hargrett Rare Book and Manuscript Library, Ilah Dunlap Little Library, University of Georgia, Athens.

3. For information on Eugene Talmadge, Herman Talmadge, and Richard B. Russell Jr., see Herman E. Talmadge Collection and Richard B. Russell Jr. Collection, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens.

4. Bennie Tillman, interview with author, Athens, Georgia, June 26, 2011.

5. Alfred Killian, interview with author, Athens, Georgia, July 9, 1997.

6. Ibid.

7. Chester Davenport Jr., interview with author, Atlanta, August 28, 1995. Davenport succeeded in desegregating UGA's law school in 1963, thirteen years after Ward sought to enter the school. Davenport, a Morehouse College graduate, became the first African American UGA law school graduate in 1966. For information on UGA's desegregation and the racial climate in Georgia, see Daniels, *Horace T. Ward* (2001); Pratt, *We Shall Not Be Moved*.

8. Robert Brisbane, interview with author, Atlanta, January 19, 1995; see also Mays, *Born to Rebel*.

9. Pearson et al. v. Murray, 182 A. 590, 592 (Md. App. 1936); Sullivan, *Lift Every Voice*, 207–10; Mack, *Representing the Race*, 124–27.

10. Gaines v. Canada, 305 U.S. 337, 352, 59 S. Ct. (1938).

11. White, *Man Called White*, 162; Constance Baker Motley, interview with author, New York, March 30, 1995.

12. Sullivan, *Lift Every Voice*, 380–81; Sweatt v. Painter, 339 U.S. 629 (1950). See also Lavergne, *Before Brown*.

13. McLaurin v. Oklahoma, 339 U.S. 637–642 (1950); Sullivan, *Lift Every Voice*, 380. See also Sipuel v. Board of Regents of University of Oklahoma, 332 U.S. 631, 68 S. Ct. 299 (1948); Fisher and Goble, *Matter of Black and White*. In 1948, in a unanimous decision, the U.S. Supreme Court declared that the University of Oklahoma was constitutionally obligated to provide Ada Lois Sipuel, an honor graduate from the State College for Negroes in Langston, Oklahoma, and an applicant to the University of Oklahoma law school, with an equal education. Seeking to evade the court order, Oklahoma officials roped off a space in the state capitol building as a law school for Sipuel and other blacks. Thurgood Marshall and Robert Carter represented Sipuel with Oklahoma attorney Amos T. Hall, working closely on the case with Roscoe Dungee, president of the NAACP state conference of branches.

14. Sullivan, *Lift Every Voice*, 381.

15. Horace T. Ward, interview with author, Atlanta, August 22, 1994.

16. Daniels and Patterson, "(Re)considering Race"; Daniels, *Horace T. Ward* (2001), 83–84.

17. Daniels, *Horace T. Ward* (2001), 83, 86.

18. *Gaines*, 305 U.S. 337, 352, 59 S. Ct.

19. University System of Georgia Board of Regents Minutes, April 10, 1957, 290, Archives, Board of Regents Office, Atlanta.

20. Legal Department Monthly Report, February 1952, Part 1, Supplement 1, 1951–55, Papers of the NAACP.

21. Ward, interview, August 22, 1994.

22. Letter from William M. Boyd to L. D. Riddick, January 29, 1953, William Madison Boyd Collection, Special Collections, Robert W. Woodruff Library, Atlanta University Center.

23. Ibid.

24. L. Hollowell and Lehfeldt, *Sacred Call*, 97.

25. Herman Talmadge, interview with author, Hampton, Georgia, January 23, 1995. For laws introduced by Talmadge designed to prevent blacks from entering "white schools," see General Appropriations Act, Secs. 8, 9, GA Laws (1951), 425. Similar provisions appear in the General Appropriations Act, Secs. 8, 9, GA Laws Jan.–Feb. Sess. (1953), 154; and General Appropriations Act, Secs. 8. 9, GA Laws (1956), 762.

26. Donald L. Hollowell, interview with author, Atlanta, August 22, 1994.

27. Bill Shipp, interview with author, Atlanta, January 23, 1995.

28. L. Hollowell and Lehfeldt, *Sacred Call*, 98.

29. Report of D. L. Hollowell, Legal Redress Committee, Chairman, Fifteenth Annual Convention, Georgia State Conference of Branches, National Association for the Advancement of Colored People, December 8, 1956, in Selected Branch Files, Series A: The South, Papers of the NAACP.

30. Motley, interview, March 30, 1995.

31. General Appropriations Act, Secs. 8, 9, Ga. Laws (1951), 425.

32. Ward v. Regents of the University System of Georgia, Civ. A. 4355, Trial Transcript, December 17–20, 1956, 198.

33. Donald L. Hollowell, interview with author, Atlanta, July 27, 1993.

34. Quoted in Trillin, *Education in Georgia*, 42.

35. *Ward v. Regents*, 153.

36. See Report of the University of Georgia Faculty Committee on the Appeal of Horace T. Ward, September 13, 1951, 7, Horace T. Ward case folder, J. Alton Hosch Papers, Hargrett Rare Book and Manuscript Library/University of Georgia Libraries; *Ward v. Regents*, 174; Daniels, *Horace T. Ward* (2001), 83.

37. *Ward v. Regents*, 373–74. Charles J. Bloch graduated from the University of Georgia in 1913 with an AB degree and also attended Mercer University. He served as vice president of the segregationist States' Rights Council of Georgia and was an active Democrat or, in the terminology of the times, "Dixiecrat," who nominated Senator Richard B. Russell for president in 1948. Bloch appeared before the House and Senate Judiciary Committees in 1957 to oppose the Civil Rights Bill. Information on Bloch can be found in the Charles J. Bloch Biographical File, Georgiana Collection, Hargrett Rare Book and Manuscript Library/University of Georgia Libraries, Athens.

38. *Ward v. Regents*, 398.

39. Dyer, *University of Georgia*, 313.

40. Lucy v. Adams, 134. F. Supp. 235 (D.C.N.D. Ala. 1955); Lucy v. Adams, 350 U.S. 1, 76 S. Ct. 33 (1955); Campaign for Educational Equality: Legal Department and Central Office Records, Supplement to Part 1, 1951–1955, Papers of the NAACP; Legal Department Monthly Report on *Lucy v. Board of Trustees of University of Alabama* (October 1955), Papers of the NAACP.

41. Ward, interview, August 22, 1994.

42. Donald L. Hollowell, interview, August 22, 1994.

43. Vernon E. Jordan Jr., interview with author, Washington, D.C., February 28, 1997.

44. Winston, "Massive Resistance," 31.

45. Report of D. L. Hollowell, Legal Redress Committee, Chairman, Fifteenth Annual Convention, Georgia State Conference of Branches, National Association for the Advancement of Colored People, December 8, 1956, in Selected Branch Files, Series A: The South, Papers of the NAACP.

46. Jesse Hill, interview with author, Atlanta, December 17, 1996.

47. L. Hollowell and Lehfeldt, *Sacred Call*, 114–15.

48. Ibid. Hollowell, who frequently defended activists in Pye's courtroom, bolstered his reputation among civil rights advocates for his eloquence in confronting Pye, who often badgered his clients from the bench. Besides the courtroom skirmishes, Hol-

lowell unsuccessfully challenged Pye for his judicial seat in 1964. See Brown-Nagin, *Courage to Dissent*.

49. National Association for the Advancement of Colored People, Inc. v. Pye, 96, Ga. App. 685, 101 S.E. 2d 609 (1957); National Association for the Advancement of Colored People, Inc., et al. v. Williams, Revenue Commissioner, 98 Ga. App. 74, 104 S.E. 2d 923 (1958).

50. *Revenue Commissioner of Georgia v. The National Association for the Advancement of Colored People, et al., No. 1–58654*, motion by defendant requesting court to vacate $25,000 payment for contempt charge, frame 0922, reel 2, part 22, Legal Dept. Administration Files, NAACP Papers. See also NAACP, Inc. et al. v. Williams, Revenue Commissioner of Georgia, 98 Ga. App. 74, 104 S.E.2d 923 (1958).

51. Fairclough, *To Redeem the Soul*, 96–97; Garrow, *Bearing the Cross*, 135; Joseph E. Lowery, interview with author, Atlanta, June 1, 2004.

52. New York Times Co. v. Sullivan, 376 U.S. 254, S. Ct. (1964).

53. Frame 0922, reel 2, part 22, Legal Dept. Administration Files, NAACP Papers.

54. Robert L. Carter to Donald L. Hollowell, April 21, 1960, frame 0922, reel 2, part 22, Legal Dept. Administration files, NAACP Papers.

55. L. Hollowell and Lehfeldt, *Sacred Call*, 116.

56. For a study of civil rights lawyers in the battle to defeat segregation, see Smith, *Emancipation*; McNeil, *Groundwork*; Greenberg, *Crusaders in the Courts*.

57. Mike Edwards, "State Flag Change 'Disappoints UDC,'" *Atlanta Journal*, February 10, 1956. For the state flag change bill, see Senate Bill 98, Georgia Laws, 1956 Sess.

58. McGuire, *At the Dark End*, xxi.

59. Mary Frances Early, a graduate student at the University of Michigan and music teacher in the Atlanta public schools, submitted her application to the University of Georgia shortly after the admission of Hamilton Holmes and Charlayne Hunter. Based on information from a confidential informant, university officials asserted that she was a prostitute. During an interview with admissions officials, officials questioned her about sexual promiscuity and prostitution. See Confidential Informant Report on Mary Frances Early, Walter N. Danner Subject File-Integration, Hargrett Rare Book and Manuscript Library/University of Georgia Libraries; Mary Frances Early, interview with author, Atlanta, Georgia, February 19, 1997. For observations about courageous black women during the civil rights movement, see McGuire, *At the Dark End*, xxi.

60. Confidential Informant Report on Hamilton Holmes, Walter N. Danner Subject File, 1959–1960, Hargrett Rare Book and Manuscript Library/University of Georgia Libraries.

61. "Business College Entrance Suit Opens Monday Morning," *Atlanta Daily World*, December 7, 1958, 1; John Britton, "Negroes Have Qualifications to Enter College," *Atlanta Daily World*, December 9, 1958, 1; "Negroes Ask School Entry," *Georgia State Signal*, October 5, 1956, 1; Daniels, *Horace T. Ward* (2001), 114.

62. Motley, interview, March 30, 1995.

63. Hunt v. Arnold, 172 F. Supp. 847 (N.D. Ga. 1959).

64. Daniels, *Horace T. Ward* (2001), 117.

65. Donald L. Hollowell, interview, August 22, 1994.

66. L. Hollowell and Lehfeldt, *Sacred Call*, 107–8; Louise T. Hollowell, interview with author, Atlanta, May 27, 2004.

67. Louise T. Hollowell, interview, May 27, 2004.

68. H. D. Coke v. the City of Atlanta, Georgia, 184 F. Supp. 579, Civ. A. No. 6733, Ga. U.S. District Court, (N.D. Ga. January 5, 1960).

69. L. Hollowell and Lehfeldt, *Sacred Call*, 118.

70. Greenberg joined the LDF in 1949 and helped litigate some of the most important cases of the civil rights struggle, including *Brown v. Board of Education*. In 1961 he succeeded Thurgood Marshall as director-counsel of the LDF. Nabrit, son of NAACP stalwart and Howard University President James Nabrit Jr., served as an LDF attorney for thirty years. For a review of Greenberg's legal work with the NAACP and other LDF attorneys, see Greenberg, *Crusaders in the Courts*.

71. Letter from Jack Greenberg to Donald L. Hollowell, October 15, 1958, H. D. Coke Files, Donald L. Hollowell Personal Archives.

72. Letter from Thurgood Marshall to H. D. Coke, October 9, 1959, H. D. Coke Files, Donald L. Hollowell Personal Archives.

73. Ibid.

74. Letter from Donald L. Hollowell to H. D. Coke, October 1, 1959, H. D. Coke Files, Donald L. Hollowell Personal Archives.

75. *H. D. Coke v. the City of Atlanta*.

76. Letter from Martin Luther King Jr. to Donald L. Hollowell, August 31, 1959, H. D. Coke Files, Donald L. Hollowell Personal Archives.

77. *H. D. Coke v. the City of Atlanta*.

78. Ibid.

79. L. Hollowell and Lehfeldt, *Sacred Call*, 118.

## CHAPTER FOUR. Opening the Doors

1. Jesse Hill, interview with author, Atlanta, December 17, 1996; Hamilton Holmes Sr., interview with author, Atlanta, February 24, 1995.

2. Constance Baker Motley, interview with author, New York, March 30, 1995.

3. Letter from Howard Moore to author, June 26, 2011, Foot Soldier Project Collection, Russell Research Library for Political Research and Studies, Athens, Georgia.

4. Letter from Robert L. Carter to Donald L. Hollowell, September 28, 1964, Preston Cobb Files, Donald L. Hollowell Personal Archives.

5. Howard Moore, interview with author, Berkeley, California, June 11, 2011.

6. Daniels, *Horace T. Ward* (2004), 66. See also Lentz, *Symbols*.

7. Ernest Vandiver, interview with author, Sky Valley, Georgia, August 14, 1996. The county unit system that Vandiver vowed to preserve provided disproportionate political power to rural counties and disenfranchisement of urban and suburban voters. Under the undemocratic system used in statewide elections and in most congressional races dating back to 1917, of Georgia's 159 counties, each of the 8 most populous counties had six county-unit votes, each of the next 30 had four county-unit votes, and each of the remaining 121 rural counties received two votes. According to Dan Carter in the book *Who Runs Georgia?*, "it was a system that strengthened the hand of reactionaries like Eugene Talmadge, who made it to the governor's mansion repeatedly by offering voters a witch's brew of racism, pseudo populism, and economically reactionary policies." In 1962, a three-judge panel, for which Elbert Tuttle wrote the opinion, declared the system unconstitutional. See Kytle and Mackay, *Who Runs Georgia?*, xiii; Buchanan, "Effects of the Abolition."

8. Annual Report of University System of Georgia Board of Regents for the Fiscal Year 1958–1959, Atlanta, Georgia, July 1, 1959.

9. Tushnet, NAACP*'s Legal*, 36.

10. Samuel Woodrow Williams was a scholar, minister, and civil rights leader. He was chairman of the Department of Philosophy and Religion at his alma mater, Morehouse College, from 1947 to 1970. He served as pastor of Friendship Baptist Church in Atlanta from 1954 until his death in 1970. Williams became president of the Atlanta branch of the NAACP in 1959 and held the post until 1967. He led litigation efforts against racial discrimination in Atlanta in the late 1950s and early 1960s and was a key adviser to Atlanta University student activists engaged in direct-action campaigns. Williams collaborated with scholar-activist M. Carl Holman, professor of English at Clark College, award-winning poet and playwright, and editor of the *Atlanta Inquirer*. Williams and Holman were leaders in the Atlanta Committee for Cooperative Action (ACCA), a progressive civic organization that advocated racial equality and human rights. See Samuel W. Williams Papers, Robert W. Woodruff Library, Clark Atlanta University, Atlanta.

In the 1950s and 1960s Whitney M. Young Jr., dean of the Atlanta University School of Social Work and subsequently director of the National Urban League, was an outspoken community activist and national civil rights leader. Young also advised student protesters and was active in the ACCA. See Dickerson, *Militant Mediator*.

11. Trillin, *Education in Georgia*, 9; Charlayne Hunter-Gault, interview with author, Atlanta, June 14, 2006.

12. Hill, interview, December 17, 1996.

13. Ibid. Jesse Hill confirmed that the intense scrutiny Holmes and Hunter endured stemmed from the experience with the attacks by Georgia officials on the GSCB applicants.

14. Holmes v. City of Atlanta, 223 F. 2d 93 (5th Cir. 1955), 350 U.S. 879 (1956).

15. Isabella Holmes, interview with author, Atlanta, June 15, 2001; Charles Bell, interview with author, Atlanta, June 13, 2002.

16. Hunter-Gault, interview, June 14, 2006.

17. *Foot Soldier for Equal Justice*.

18. Trillin, *Education in Georgia*, 12–13. Holmes's testimony at the *Holmes v. Danner* trial also revealed that the Admissions Office eventually sent an admissions application to his home.

19. Hamilton Earl Holmes interview, February 24, 1995; Danner stated that "due to limited facilities" the university was unable to consider Holmes's application. See letter from Walter N. Danner to Hamilton Earl Holmes, August 1, 1959, Walter Danner Subj. File, UGA Integration Materials, Hargrett Library, University of Georgia, Athens.

20. Vernon E. Jordan Jr., interview with author, Washington, D.C., February 28, 1997.

21. Memorandum from Rev. C. S. Hamilton to Roy Wilkins, May 21, 1964, reel 4, Series D: Central Office Records, 1956–1965, part 3, The Campaign for Educational Equality, Papers of the NAACP.

22. Letter from Rev. C. S. Hamilton to Ruby Hurley, September 8, 1964, *Acree v. Board of Education* Files, Donald L. Hollowell Personal Archives. In a September 23, 1964, letter to Jack Greenberg, Hollowell acknowledged that his 1964 bid for superior court judge had a negative impact on his efficiency. See letter from Donald L. Hollowell to Jack Greenberg, September 23, 1964, Donald L. Hollowell Personal Archives.

23. Memorandum from Donald L. Hollowell and Howard Moore Jr. to Jack Greenberg, Docket and Report of Cases Being Handled in the Firm of Donald L. Hollowell, December 29, 1965, Donald L. Hollowell Personal Archives.

24. Howard Moore, interview with author, Atlanta, June 10, 2004.

25. Preston King, interview with author, Atlanta, June 1, 2004.

26. Auburn Avenue's business mecca included WERD, the nation's first black-owned radio station; the *Atlanta Daily World*, the nation's first black-owned daily newspaper; and the headquarters of Atlanta Life Insurance Company, Citizens Trust Company, and Mutual Federal Savings and Loan Company, the largest concentration of black-owned financial institutions in the nation.

27. Release Agreement executed by Mildred Mitchell and Paul Mitchell, February 25, 1960, Donald L. Hollowell Personal Archives.

28. L. Hollowell and Lehfeldt, *Sacred Call*, 95.

29. Ibid., 113.

30. Letter from Howard Moore to author.

31. Margaret Shannon, "Negroes in Suit Enrolled Elsewhere," *Atlanta Journal*, September 27, 1960.

32. Holmes, interview, February 24, 1995.

33. Motley, interview, March 30, 1995.

34. Letter from Walter N. Danner to Hamilton Earl Holmes, November 29, 1960, Walter Danner Subj. File, UGA Integration Materials, Hargrett Library, University of Georgia, Athens; letter from Walter N. Danner to Charlayne Hunter, November 29,

1960, Walter Danner Subj. file, UGA Integration Materials, Hargrett Library, University of Georgia, Athens.

35. "Lawyers Charge Bias," *Atlanta Inquirer*, December 17, 1960, 1, 8. During the trial, B. D. Murphy, representing the defendants, attempted to tie the speeding ticket that Holmes had received to charges by admissions officials that he had been untruthful and evasive in his personal interview.

36. Jordan, interview, February 28, 1997.

37. Jordan and Gordon-Reed, *Vernon Can Read!*, 139.

38. The trial opinion is reported as Holmes v. Danner, 191 F. Supp. 394 (M.D. Ga. 1961). The trial transcript is archived as Hamilton E. Holmes et al. v. Walter N. Danner et al., Civ. A. No. 450, Federal Records Center, East Point, Ga. (December 1960), vols. 1, 2, 3.

39. *Holmes v. Danner*, trial transcript, vol. 1, 72–75.

40. Ibid., vol. 1, 123; Daniels, *Horace T. Ward* (2004), 129.

41. *Holmes v. Danner*, trial transcript, vol. 2, 143.

42. Holmes, interview, February 24, 1995.

43. Donald L. Hollowell, interview with author, Atlanta, July 27, 1993; Daniels, *Horace T. Ward* (2004), 124.

44. Jordan, interview, February 28, 1997.

45. *Holmes v. Danner*, vol. 2, 51–54.

46. Daniels, *Horace T. Ward* (2004), 135.

47. *Holmes v. Danner*, vol. 2, 59–60.

48. Ibid., 142.

49. Holmes, interview, February 24, 1995.

50. Andrew Young, interview with author, Atlanta, May 29, 2009.

51. E. Freeman Leverett, interview with author, Elberton, Georgia, December 8, 1995.

52. William A. Bootle, interview with author, Macon, Georgia, June 14, 2000.

53. Peltason, *Fifty-Eight Lonely Men*, 114.

54. *Holmes v. Danner*, trial transcript, vol. 2, 202; *Holmes v. Danner*, 191 F. Supp. 394 (M.D. Ga. 1961), 1.

55. *Holmes v. Danner*, 191 F. Supp. 394 at 14.

56. Margaret Shannon and Fred Powledge, "State Asks Judge to Stay Negro Entry," *Atlanta Journal* and *Atlanta Constitution*, January 8, 1961.

57. Bootle, interview, June 14, 2000. Bootle stated that at the time he granted the stay to the defendants in the *Holmes* case, he did this automatically any time an appeal was filed. Tuttle held the position that unless the appellant had a good chance to win on appeal, the appellant should not be granted a stay, contending that "justice delayed is justice denied." Bootle acknowledged that Tuttle's view was correct and that he followed that view in later court decisions.

58. Emmanuel, "Turning the Tide," 2.

59. Judge Elbert Tuttle, interview with Clifford Kuhn, Atlanta, April 10, 1992; Motley, interview, March 30, 1995.

60. Jordan and Gordon-Reed, *Vernon Can Read!*, 142.

61. L. Hollowell and Lehfeldt, *Sacred Call*, 16–17.

62. General Appropriations Act, Secs. 8, 9, GA Laws (1951), 425. Similar provisions appear in the General Appropriations Act, Secs. 8, 9, GA Laws Jan.–Feb. Sess. (1953), 154; and General Appropriations Act, Secs. 8, 9, GA Laws (1956), 762.

63. General Appropriations Act, Secs. 8, 9, Ga. Laws (1951), 425.

64. Trillin, *Education in Georgia*, 45, 46; Vandiver, interview, August 14, 1996.

65. Margaret Shannon and William O. Smith, "Prepares to Take Up Negroes' Readmission," *Atlanta Journal*, January 12, 1961.

66. *Holmes v. Danner*, 191 F. Supp. 394 at 8.

67. Bootle, interview, June 14, 2000.

68. Hunter-Gault, *In My Place*, 189.

69. Desegregation of the University of Georgia Press Conference, WSB TV, Atlanta, Georgia, January 1961. Video and audio recordings archived in Peabody Archives, University of Georgia Libraries, Athens.

70. Holmes, interview, February 24, 1995.

71. Grant and Grant, *The Way It Was*, 383.

72. Archibald Killian, interview with author, Athens, Georgia, July 9, 1997.

73. For information on Ruth Moon Killian and her family's provision of housing for Hamilton Holmes during his attendance at the University of Georgia, see Archibald Killian, interview; Alfred Killian, interview with author, Athens, Georgia, July 9, 1997; and Darlene Killian, interview with author, Athens, Georgia, July 9, 1997, all in Foot Soldier Project Collection, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens.

74. Shipp, *Murder at Broad River Bridge*, 23. See also Cohen, "G-Men in Georgia."

75. L. Hollowell and Lehfeldt, *Sacred Call*, 18.

76. Ibid., 169.

77. Peltason, *Fifty-Eight Lonely Men*, 178.

78. Bootle, interview, June 14, 2000.

79. Manis, *Macon Black and White*, 247.

80. Trillin, *Education in Georgia*, 58.

81. Bootle, interview, June 14, 2000.

82. Ibid.

83. Vandiver, interview, August 14, 1996.

84. Trillin, *Education in Georgia*, 46–47.

85. Vandiver, interview, August 14, 1996.

86. Motley, *Equal Justice under Law*, 178–180, 182. For a study of James Meredith and the struggle to desegregate the University of Mississippi, see Eagles, *Price of Defiance*.

87. Powledge, *Free at Last?*, 569–71.

88. Coke Ellington, "Suspect Held in Penn Murder: FBI Arrests 4 Athenians in Death of Negro," *Athens Banner Herald*, August 7, 1964; Dan Parker and Coke Ellington, "State to Prosecute 4 in Penn Murder," *Athens Banner Herald*, August 14, 1964. See also Shipp, *Murder at Broad River Bridge*.

89. Memorandum from Donald L. Hollowell and Howard Moore Jr. to Jack Greenberg, Docket and Report of Cases Being Handled in the Firm of Donald L. Hollowell, December 29, 1965, Donald L. Hollowell Personal Archives.

90. Branch, *Pillar of Fire*, 398–99, 437; Grant and Grant, *The Way It Was*, 423.

91. Hunter-Gault, interview, June 14, 2006.

92. "Hollowell Urges Community Support of NAACP," *Atlanta Inquirer*, January 21, 1961, 5.

93. Hunter-Gault, interview, June 24, 2006.

94. "U. of Ga. Using Delay Tactics? Final Word Withheld on Grad School Application," *Atlanta Inquirer*, May 6, 1961, 1, 16.

95. Mary Frances Early, interview with author, Atlanta, February 19, 1997.

96. Hill, interview, December 17, 1996.

97. Daniels and Patterson, "(Re)considering Race."

98. Mary Frances Early, telephone interview with author, October 21, 2009.

99. Jordan, interview, February 28, 1997.

100. Jordan and Gordon-Reed, *Vernon Can Read!*, 143.

101. Trillin, *Education in Georgia*, 3.

102. Motley, *Equal Justice under Law*, 166.

103. Meredith v. Fair, 306 F 2d 374 (1962).

104. Motley, *Equal Justice under Law*, 187. For a study of the events surrounding the desegregation of the University of Alabama, see Clark, *Schoolhouse Door*.

## CHAPTER FIVE. "An Appeal for Human Rights"

1. See Hornsby, "Black Public Education." See also McCain, "Speaking on School Desegregation," 258, 261; Ernest Vandiver, interview with author, Sky Valley, Georgia, August 14, 1996.

2. Hornsby, "Black Public Education," 22.

3. Ibid., 43.

4. For a review of court decisions effecting desegregation in the Atlanta public schools, see Calhoun et al. v. Members of Board of Education, City of Atlanta et al., Civ. A. No. 6298, 188 F. Supp. 401, U.S. Dist. (1959); Calhoun et al. v. Latimer et al., Civ. A. No. 6298. 217 F. Supp. 614, U.S. Dist. (1962); Calhoun et al. v. Latimer et al., Appellees, No. 20273, 321 F.2d 302, U.S. App. (1963). The case continued in the federal courts, including the Federal District Court, for more than fifteen years.

5. M. Carl Holman, "Peaceful as Doors Open," *Atlanta Inquirer*, September 2, 1961, 1–2.

6. Hornsby, "Black Public Education," 21–29.

7. Ibid., 22–23.

8. Daniels, *Horace T. Ward* (2001), 158. For an analysis of race and class issues in ensuing years related to the desegregation of the Atlanta public schools, see Brown-Nagin, *Courage to Dissent*.

9. Preston King, interview with author, Atlanta, June 1, 2004.

10. Daniels, *Horace T. Ward* (2001), 157.

11. Donald L. Hollowell, remarks, Civil Rights in Small Places Conference, University of Georgia, Athens, Georgia, April 16, 1996.

12. Dr. Robert Threatt, interview with author, Atlanta, June 22, 2004.

13. John Lewis, interview with author, Atlanta, June 28, 2004.

14. Vernon Jordan, interview with author, Washington, D.C., February 28, 1997.

15. A Follow-Up Report on the Student Protest Movement after Two Months, reel 21, NAACP Relations with Civil Rights, part 21, Papers of the NAACP.

16. See Tuck, *Beyond Atlanta*. "The Savannah movement stood out" among the "local civil rights protests" in Georgia and across the South "primarily for its success." In a January 1962 press release, Gloster B. Current, NAACP director of branches, reported that the most significant achievement in the NAACP's demand for equal treatment was the successful conclusion of the fifteen-month boycott in Savannah, Georgia, led by W. W. Law. Press Release, January 5, 1962, Papers of the NAACP.

17. Grant and Grant, *The Way It Was*, 416–18; Tuck, *Beyond Atlanta*, 127–37.

18. Tuck, *Beyond Atlanta*, 49; Jacqueline Jones, "I Came to Do My Own Work," in *Saving Savannah*, 406–7.

19. Tuck, *Beyond Atlanta*, 128. W. W. Law earned a living as a letter carrier for the U.S. Postal Service in Savannah. Shortly after the successful boycott that Law directed on September 8, 1961, the postal service dismissed him on several trumped-up charges. The NAACP vigorously protested his firing, including calling on President John Kennedy to rescind his dismissal. Following several unsuccessful appeals to state and regional postal officials for his reinstatement, on October 24, 1961, Postmaster General J. Edward Day rehired him. Day opined that he reinstated Law with "deep regret" in order not to make a "martyr" of him. For information on Law's dismissal and reinstatement and his leadership of the fifteen-month boycott of Savannah merchants, see Papers of the NAACP. See also "Law to Fight Post Office Dismissal," *Atlanta Inquirer*, September 11, 1961; "Mitchell to Back W. W. Law," *Atlanta Inquirer*, September 16, 1961, 1, 5.

20. "Savannah Negroes Gear Xmas Buying Blackout," *Atlanta Inquirer*, November 28, 1960, 1.

21. Ibid.

22. Letter from Savannah NAACP Branch to All Business Firms of Savannah and Chatham County, April 13, 1960, Information on Savannah Civil Rights Campaign, Papers of the NAACP.

23. Report of the Executive Secretary to the Board of Directors for the Month of September, 1961, October 9, 1961, Papers of the NAACP.

24. Branch, *Pillar of Fire*, 124; see also "Hosea Williams."

25. "Hearing Slated for Negro Leader," *Savannah Evening Press*, July 10, 1963; "5 Peace Warrants Sworn Out Against 32 Demonstrators," *Savannah Evening Press*, July 11, 1963. Hosea Williams's leadership of the Savannah demonstrators led to his arrest and incarceration. His more militant stance and advocacy of night marches led to clashes with W. W. Law and NAACP national leaders. Williams was among hundreds of demonstrators arrested and jailed in Savannah. Savannah demonstrators marched for Williams's release and raised the money to free him.

26. Jesse Hill, interview with author, Atlanta, December 17, 1996.

27. Letter from James Nabritt III to B. Clarence Mayfield, July 20, 1963, Savannah Movement Files, Donald L. Hollowell Personal Archives.

28. For information on the institutions that comprised the Atlanta University Center, see Sewell and Troup, *Morris Brown College*; Alan Pifer and South African Institute on Race Relations, *Higher Education of Blacks*, 12–13. Northern church groups, later joined by black denominations such as the African Methodist Episcopal Church, established private higher educational institutions for blacks during the post–Civil War years to educate the former slaves. In Atlanta, Morehouse College (1867), Spelman College (1881), Atlanta University (1869), Clark University (1870), and Morris Brown College (1885) were among these institutions. See also D. O. W. Holmes, *Evolution of the Negro College*, 194; Bond, *Education of the Negro*.

29. Lonnie King, interview with author, Atlanta, December 20, 2011.

30. Ibid. King was born in August 1936 in Arlington, Georgia (twenty-seven miles southwest of Albany). He lived with his grandfather in Arlington from ages two to eight years. King stated that his grandfather, Rev. Joseph Smith, a very stern pastor with a strong moral compass, had a very positive influence on his development.

31. Ibid. See also Gwendolyn Zoharah Simmons, "From Little Memphis Girl to Mississippi Amazon," in Holsaert et al., *Hands on the Freedom Plow*, 14. Simmons recalled that Spelman administrators warned Spelman women to stay clear of any involvement with the movement. Spelman students were told to pursue their education and not become involved in protests. "They [Spelman administrators] made it clear that any young ladies who got involved would be summarily dismissed, especially those of us who were on scholarships."

32. Lonnie King, interview, December 20, 2011.

33. Daniels, *Horace T. Ward* (2001), 29.

34. Sam Heys, "Horace Ward and the University: Irony Goes to Court," *Atlanta Constitution*, May 2, 1986.

35. Leroy Johnson, interview with author, Atlanta, December 17, 1996.

36. Walker, *Sit-Ins in Atlanta*, 3.

37. Ibid.

38. The appeal was based, in part, on a pamphlet titled *Atlanta: A Second Look*, which had been published two months earlier under the auspices of the Atlanta Com-

mittee for Cooperative Action (ACCA). The ACCA, formed in 1958, was comprised of a group of men under forty who were dissatisfied with Atlanta's progress toward equality. The group advocated a more militant stance against racial discrimination in the city. More liberal or radical activists such as Hollowell, Rev. Samuel Williams, M. Carl Holman, Jesse Hill, and Leroy Johnson were associated with the group. See Tuck, *Beyond Atlanta*, 98; Walker, *Sit-Ins in Atlanta*, 6, 10; Julian Bond, interview with author and Derrick P. Alridge, Charlottesville, Virginia,, October 21, 2004.

39. "City's Negro Collegians Vow Lawful Fight to Gain Rights," *Atlanta Constitution*, March 9, 1960, 1; L. Hollowell and Lehfeldt, *Sacred Call*, 129; Brown-Nagin, *Courage to Dissent*, 148.

40. Lonnie King, interview, December 20, 2011; L. Hollowell and Lehfeldt, *Sacred Call*, 129.

41. Students of the Affiliated Institutions of the Atlanta University Center, "An Appeal for Human Rights," *Atlanta Constitution*, March 9, 1960; "City's Negro Collegians Vow Lawful Fight to Gain Rights," *Atlanta Constitution*, March 9, 1960.

42. Lefever, *Undaunted by the Fight*, 30.

43. Kelley and Lewis, *To Make Our World Anew*, 484.

44. Gene Britton, "Vandiver, Hartsfield Differ on Negro Students' Appeal," *Atlanta Constitution*, March 10, 1960, 15.

45. "77 Negroes Arrested Here as Cafeteria Sitdowns Start," *Atlanta Constitution*, March 16, 1960, 1, 9; Garrow, *Bearing the Cross*, 129–30; Brown-Nagin, *Courage to Dissent*, 150.

46. Charles A. Black, Information Sheet, Statement of Facts, March 24, 1960, Atlanta Student Sit-in Files, Donald L. Hollowell Personal Archives.

47. Ibid.

48. "77 Negroes Arrested Here," 9; see also Oppenheimer, *Sit-In Movement of 1960*, 133.

49. "77 Negroes Arrested Here."

50. Bond, interview, October 21, 2004.

51. Raines, *My Soul Is Rested*, 86–87.

52. State v. Jesse L. Douglas; Wm. P. Trotter, Pros., Civil Court of Fulton County (Criminal Division), W.O. 48,065, Transcript of the Testimony, March, 16, 1960, Atlanta Sit-In Files, Donald L. Hollowell Personal Archives.

53. Ibid.

54. Frank Smith Jr., interview with author, Atlanta, December 15, 2011.

55. Garrow, *Bearing the Cross*, 141.

56. Brown-Nagin, *Courage to Dissent*, 155.

57. Lonnie King, interview, December 20, 2011.

58. Walker, *Sit-Ins in Atlanta*, 9, 11.

59. Marion Gaines, "Negro Sitdowns Planned Carefully by Students Alone, Leader Says," *Atlanta Constitution*, March 16, 1960, 12. While student activists initiated the demonstrations and played key leadership roles, several local community-based orga-

nizations emerged in the wake of the protests, including the Atlanta Committee for Cooperative Action, the Committee on an Appeal for Human Rights, and the Student-Adult Liaison Committee. These grassroots organizations worked with Atlanta's established black leadership and national civil rights organizations in the protest movement. Steven Lawson, in his book *Civil Rights Crossroads*, observes that a second generation of scholars, writing in the late 1970s and 1980s, sought to reshape civil rights historiography by making the focal point local communities and grassroots organizations instead of national organizations seeking to achieve civil rights legislation.

60. In addition to the NAACP Atlanta branch's support of direct action under Rev. Samuel Williams's leadership, the Macon, Brunswick, and Savannah branches of the NAACP also embraced direct action in the early 1960s. Stephen Tuck observes, "In Savannah, Macon, and Brunswick, the decisive break in the civil rights movement from legalism to activism and the involvement of the youth came under the auspices of the local NAACP branches." See Tuck, *Beyond Atlanta*, 155.

61. Brown-Nagin, *Courage to Dissent*, 335. Williams's activism with SNCC and indigenous student activists as well as his pastoral duties and professorship responsibilities took much of his attention. The NAACP consistently missed fund-raising and membership goals during Williams's tenure as branch president. Ruby Hurley, NAACP Southeast regional office secretary, accused Williams of divided loyalties that undermined the effectiveness of the NAACP.

62. Walker, *Sit-Ins in Atlanta*, 13.

63. Lefever, *Undaunted by the Fight*, 97.

64. Ted Lippman, "No More Sitdowns Now, Students Say," *Atlanta Constitution*, March, 17, 1960, 1, 12.

65. Ibid.

66. Lawson, "Freedom Then, Freedom Now," 457.

67. Brown-Nagin, *Courage to Dissent*, 137.

68. Ibid., 138.

69. Browder v. Gayle, 352 U.S. 903 (1956).

70. "NAACP to Defend Sitdowners," *Atlanta Constitution*, March 19, 1960, 1.

71. Letter from Jack Greenberg to Donald L. Hollowell, June 3, 1960, Atlanta Student Sit-in Files, Donald L. Hollowell Personal Archives.

72. Hollowell filed several lawsuits challenging segregated facilities, which paralleled direct-action campaigns in which he also represented protesters. He filed three legal cases in federal district court in Atlanta challenging segregated facilities at the State Capitol (*Douglas v. Lee*), the Fulton County Courthouse (*Andrews v. Lindsay*), and Atlanta City Hall (*Gibson v. Hartsfield*). See Brown-Nagin, *Courage to Dissent*, 157. In Macon and Augusta, Hollowell filed *Alexander v. Bibb Transit* and *Taylor v. City of Augusta*, challenging segregation in public transportation. Such legal activism together with direct action helped bring about social change. For example, the NAACP achieved a significant victory in the 1960 U.S. Supreme Court case *Boynton v. Vir-*

*ginia*, which provided legal protection for a student arrested while seeking to remain in the white portion of a restaurant in a bus terminal. Also, Hollowell, with NAACP support, won an important victory during the Albany Movement actions that allowed the marches and protests to continue and established an important legal precedent protecting the rights of civil protesters.

73. Howell Raines, *My Soul Is Rested*, 90; Lonnie King, interview, December 20, 2011.

74. Lonnie King, interview, December 20, 2011.

75. Bond, interview, October 21, 2004.

76. State of Georgia v. Martin Luther King Jr., Civil/Criminal Court of DeKalb County, Criminal Division, 104403, October 25, 1960.

77. Clayborne Carson, "Civil Rights Reform and the Black Freedom Struggle," in Lewis and Eagles, *Civil Rights Movement in America*, 33. Steven Lawson observes in his commentary on Carson's essay that "Martin Luther King, Jr. and influential civil rights leaders built upon rather than initiated mass protest activities or that local protest movements often had independent agenda[s] from those of national organizations" (ibid.).

78. Theoharis, "Black Freedom Studies," 350.

79. Ibid.

80. Lonnie King, interview, December 20, 2011.

81. Bruce Galphin and Keeler McCartney, "King, 51 Others Arrested Here in New Sit-in Push," *Atlanta Constitution*, October 20, 1960.

82. Branch, *Parting the Waters*, 351.

83. Galphin and McCartney, "King, 51 Others Arrested Here."

84. Reverend Dr. Martin Luther King Jr., Letter from the Fulton County Jail, October 20, 1960, reel 12, NAACP Relations with Civil Rights, part 21, Papers of the NAACP.

85. Lonnie King Letter from Atlanta Jail, "Cell Block no. 1-East 2," *Atlanta Inquirer*, October 24, 1960, 1.

86. Telegram from Lonnie King and Otis Moss to Roy Wilkins, October 19, 1960, reel 12, NAACP Relations with Civil Rights, part 21, Papers of the NAACP.

87. Memorandum from Roy Wilkins, Executive Secretary, to NAACP Branch Offices, October 21, 1960, reel 12, NAACP Relations with Civil Rights, part 21, Papers of the NAACP.

88. Roy Wilkins Press Conference, October 26, 1960, reel 12, NAACP Relations with Civil Rights, part 21, Papers of the NAACP.

89. Wilkins and Mathews, *Standing Fast*, 237.

90. Arsenault, *Freedom Riders*, 6.

91. Garrow, *Bearing the Cross*, 91. Garrow chronicles conflicts and competition between the NAACP and the SCLC and discusses the NAACP's opposition to direct action, as well as clashes between King and Wilkins. It should be noted, however, that the differences between King and Wilkins—especially as reported in the media—have

often been overstated, overshadowing amicable relations between them and ignoring instances in which they collaborated in the cause of social justice. For example, in 1957 the Spingarn Awards Committee unanimously endorsed King for the NAACP's highest honor. In a May 28, 1957, letter to King, Wilkins offered "hearty personal congratulations" on the Spingarn Award and praised King for setting an example during the Montgomery bus boycott that "inspired every crusader for human decency." In a June 4, 1957, letter from Wilkins to King, Wilkins suggested that an article in the *New York Amsterdam News* had engaged in a "crude attempt to stir jealousy and rivalry" between civil rights organizations. For additional documentation of communications between NAACP and SCLC officials, see Carson, *Papers of Martin Luther King, Jr.*, vol. 4; NAACP Relations with Civil Rights, part 21, Papers of the NAACP. For an analysis of the NAACP's opposition to direct action, see Arsenault, *Freedom Riders*; Brown-Nagin, *Courage to Dissent*.

92. Brown-Nagin, *Courage to Dissent*, 138–39.

93. Frank Wells, "King Held on Old Count as Sit-Inners Leave Jail," *Atlanta Constitution*, October 24, 1960.

94. King v. State, Nos. 38648, 38718, 119 S.E. 2d 77, 79, 81 (Ga. App. 1961).

95. *State of Georgia v. Martin Luther King, Jr.*, October 25, 1960.

96. "DeKalb Seeks to Jail Rev. King," *Atlanta Journal*, October 21, 1960.

97. *State of Georgia v. Martin Luther King, Jr.*, October 25, 1960.

98. Ibid.

99. Garrow, *Bearing the Cross*, 145.

100. *State of Georgia v. Martin Luther King, Jr.*

101. Branch, *Parting the Waters*, 358.

102. Jack Strong, "DeKalb Refuses to Release King," *Atlanta Journal*, October 27, 1960; Pomerantz, *Where Peachtree Meets Sweet Auburn*, 263.

103. Louise T. Hollowell, interview with author, Atlanta, May 27, 2004.

104. L. Hollowell and Lehfeldt, *Sacred Call*, 134–35.

105. WSB-TV News Film Clip of African American Attorney Donald Hollowell Speaking to Reporters about the Imprisonment of Dr. Martin Luther King, Jr., Atlanta, Georgia, October 27, 1960, WSB News Film Collection, Walter J. Brown Media Archives and Peabody Award Collection, University of Georgia Libraries, Athens.

106. Andrew Young, interview with author, Atlanta, May 29, 2009.

107. Anthony Lewis, "Kennedy Phoned to Express Concern, King's Wife Says," *Atlanta Journal*, October 27, 1960.

108. Vandiver, interview, August 14, 1996.

109. Branch, *Parting the Waters*, 366; Charles Moore and Gene Britton, "King Freed on $2000 Bond, Flies Home from Reidsville," *Atlanta Journal*, October 28, 1960.

110. From King's address delivered at the Memorial Auditorium, Chattanooga, Tenn., December, 30, 1960, in Carson, *Papers of Martin Luther King, Jr.*, vol. 5, 642.

111. Lewis, interview, June 28, 2004.

112. Garrow, *Bearing the Cross*, 148.

113. "Jailing Stirs Nation; $2,000 Appeal Bond Posted," *Atlanta Inquirer*, October 31, 1960, 1, 8. In a November 3, 1960, letter to Hollowell, A. T. Walden stated, "I got my friend, Mr. Harold Ross, operator of Fulton Bonding Company, to sign the supersedeas bond for Rev. King, Jr." Instead of sending Walden a bill for signing the bond, Ross "said he wanted to give it as a contribution to the Southern Christian Leadership Council." Letter from A. T. Walden to Donald L. Hollowell, November 3, 1960, Dr. M. L. King, Jr. Files, Donald L. Hollowell Personal Archives.

114. Howard Moore Jr., interview with author, Atlanta, June 10, 2004.

115. Howard Moore Jr., interview with author, Berkeley, California, June 11, 2011.

116. L. Hollowell and Lehfeldt, *Sacred Call*, 137.

117. Letter from Donald L. Hollowell to Dr. M. L. King Jr., November 3, 1960, Dr. M. L. King Jr. Files, Donald L. Hollowell Personal Archives.

118. Letter from Alice B. Stovall to Donald L. Hollowell, November 14, 1960, Atlanta Student Movement Files, Donald L. Hollowell Personal Archives.

119. Letter from Thurgood Marshall to Donald L. Hollowell, March 2, 1960, Atlanta Student Movement Files, Donald L. Hollowell Personal Archives.

120. *King v. State* at 78–79.

121. "Jailing Stirs Nation; $2,000 Appeal Bond Posted," *Atlanta Inquirer*, October 31, 1960, 1, 8.

122. Letter from Martin Luther King Jr. to Roy Wilkins, December 1, 1960, reel 12, NAACP Relations with Civil Rights, part 21, Papers of the NAACP.

123. Bond, interview, October 21, 2004.

124. John Ruffin, interview with author, Atlanta, July 19, 2005.

125. "Adults Backing Boycott: Sit-In Leaders Send Letter to Merchants," *Atlanta Inquirer*, December 5, 1960, 1, 8.

126. Walker, *Sit-Ins in Atlanta*, 13.

127. Governor Vandiver appointed a commission chaired by banker John Sibley to investigate whether public opinion in each congressional district favored changing school policies, with a principal focus on Georgia's policies with regard to closing schools in the wake of court-ordered desegregation. In April 1960, the Sibley Commission recommended discontinuing the school closing policies in favor of other legal means to maintain segregation. See Tuck, *Beyond Atlanta*, 102.

128. "Adults Backing Boycott."

129. "Chamber of Commerce Told: School Issue, Sit-ins Not Same, Leaders Say, Merchants Reject Parley on Boycott," *Atlanta Inquirer*, December 17, 1960, 1–2.

130. "King Explains Student March," *Atlanta Inquirer*, February 1, 1960, 1–2.

131. Garrow, *Bearing the Cross*, 151.

132. "Sit-In Terms under Fire: L. King Out, In Again," *Atlanta Inquirer*, March 11, 1961, 1; Hornsby, "Black Public Education," 29.

133. Brown-Nagin, *Courage to Dissent*, 167.

134. Both quotations from "Sit-In Terms under Fire."

135. Ibid.

136. Branch, *Parting the Waters*, 397.

137. Oppenheimer, *Sit-In Movement of 1960*, 139.

138. Brown-Nagin, *Courage to Dissent*, 153; see also Garrow, *Bearing the Cross*, 152.

139. "Leaders Urge Negroes to Endure," *Atlanta Inquirer*, December 24, 1960, 1.

140. Brown-Nagin, *Courage to Dissent*, 172.

141. "Don't Shop Downtown, Minister Tells Fifth Mass Meet Held Here in Atlanta," *Atlanta Inquirer*, March 18, 1961, 1.

142. Regarding the violence against students, see "Lonnie King Attacked 2nd Time: Acid Last Week; Fists This Time," *Atlanta Inquirer*, August 1961, 1. For public school desegregation, see M. Carl Holman, "Peaceful as Doors Open," *Atlanta Inquirer*, September 2, 1961, 1–2. Shortly after the admission of nine black students to the Atlanta public schools, on September 27, 1961, the desegregation of the restaurants, lunch counters, and restrooms in all major department stores occurred, without any major incident. See Walker, *Sit-Ins in Atlanta*, 26.

143. "77 Negroes Arrested Here as Cafeteria Sitdowns Start," *Atlanta Constitution*, March 16, 1960, 1, 9.

144. "Student Defense Fund Supports Parks Suit," *Atlanta Inquirer*, June 24, 1961, 11.

145. Brown-Nagin, *Courage to Dissent*, 176–77.

146. Tomiko Brown-Nagin discusses "A Volatile Alliance" between civil rights lawyers and demonstrators in chap. 7 of *Courage to Dissent*, 175–211.

147. Special Report on the Sit-in Agreement, Atlanta, Georgia, Amos O. Holmes, Georgia Field Secretary, reel 18, General Dept. Files 1956–1965, Series D: Branch Dept. Files, Part 25 Branch Dept., Papers of the NAACP.

148. Ibid.

149. Constance Baker Motley, interview with author, New York, March 30, 1995.

150. L. Hollowell and Lehfeldt, *Sacred Call*, 130.

151. Brown-Nagin, *Courage to Dissent*, 37–38; Special Report on the Sit-in Agreement, reel 18, General Dept. Files 1956–1965, Series D: Branch Dept. Files, Part 25 Branch Dept., Papers of the NAACP.

152. Brown-Nagin, *Courage to Dissent*, 38.

153. Ibid.

154. Donald L. Hollowell, interview with author, Atlanta, August 22, 1994.

155. NAACP Mass Meetings, October 26–29, 1961, 20th NAACP State Conference, reel 6, Series A: The South 1956–1965, Selected Branch Files, part 27, Papers of the NAACP.

156. Smith, interview, December 15, 2011.

157. Lonnie King, interview, December 20, 2011.

158. Brown-Nagin, *Courage to Dissent*, 199.

CHAPTER SIX. Freedom in the Air

1. Holt, *Children of Fire*, 302.

2. Arsenault, *Freedom Riders*, 89, 95. Freedom Rider Charles Sherrod observed that the jail-ins were, in part, a response to the high bails set for demonstrators. "They were raising the bonds so high, that it kept our people raising money, and we could not keep up with the high bails. So the answer to raising the bonds so high was to neglect the bonds. We would say, 'Go to jail and stay.'" Charles Sherrod, interview with author and Derrick P. Alridge, Albany, Georgia, February 27, 2009.

Civil Rights leader and CORE director James Farmer noted that one of the weaknesses of the sit-in movement had been that as soon as demonstrators were arrested, they bailed out. "This was not quite Gandhian and not the best tactic. A better tactic would be to remain in jail and to make the maintenance of segregation so expensive for the state and the city that they would hopefully come to the conclusion that they could no longer afford it." Arsenault, *Freedom Riders*, 94.

In spring 1947, CORE organized a group of sixteen men, evenly divided between black and white, to travel on Greyhound and Trailways buses from Washington, D.C., to stops in Virginia, North Carolina, and Kentucky. Known as the Journey for Reconciliation, the CORE group tested the compliance of the U.S. Supreme Court *Morgan v. Virginia* decision. In the *Morgan* case, the court declared that the practice of segregated seating in interstate public transportation was unconstitutional and that black people traveling across state lines could not legally be forced into segregated rear seats. The Journey of Reconciliation established the precedent for the 1961 Freedom Rides. See Kelley and Lewis, *To Make Our World Anew*, 450.

3. "Rock Hill Target of Southwide Student Protest: South Carolina Chain Gang Terms Trigger Town March," *Atlanta Inquirer*, February 11, 1961, 1, 6.

4. Sherrod, interview, February 27, 2009.

5. L. Hollowell and Lehfeldt, *Sacred Call*, 164.

6. M. L. King, *Why We Can't Wait*, 58. See also Reagon, *If You Don't Go*; Mary King, *Freedom Song*; Carawan and Carawan, *Sing for Freedom*.

7. For a comprehensive study of the activism of SNCC and CORE demonstrators jailed in Rock Hill and other Freedom Riders, see Arsenault, *Freedom Riders*. SNCC activists Charles Sherrod and Cordell Reagon ventured into Terrell County in Southwest Georgia to begin a voter registration campaign in fall 1961. "Terrible" Terrell, with its racial brutality still lingering in the collective memory of blacks, proved to be too difficult a place to register black citizens at the onset of the campaign. Sherrod and Reagon turned to Albany in November 1961 and encouraged young blacks to test the Interstate Commerce Commission mandate. Regarding the mandate, see note 31. See also Kelley and Lewis, *To Make Our World Anew*, 494.

8. L. Hollowell and Lehfeldt, *Sacred Call*, 157–59.

9. Ibid., 156–57; Powledge, *Free at Last?*

10. When Clennon King sought to enter the University of Mississippi, he was met by Governor James P. Coleman, who ordered police to usher him to a mental institution. Clennon sought admission to Ole Miss, and Coleman wrongly sought to institutionalize him at Mississippi's Whitfield Asylum. While Coleman's action was reprehensible, a cogent argument could be made that a lone African American seeking admission to Ole Miss in the 1950s had to be a little crazy. C.B.'s legal skills would prove handy for his brother as he traveled to Mississippi to secure his brother's release from the asylum. See Sansing, *University of Mississippi*.

11. For more information on Clennon King Sr., Margaret Slater King, and their family, see Series B: 1940–1950, Legal File: University of Georgia, 1940–1946, and Series D: Branch Department General Subject Files 1956–1965, Papers of the NAACP; Powledge, *Free at Last?*; Daniels, *Horace T. Ward* (2001); Carol King, interview with author, Albany, Georgia, May 27, 2004; C. B. King Jr., interview with author, Albany, Georgia, May 27, 2004.

12. Letter from Preston Theodore King to Robert Carter, May 8, 1959, reel 3, Legal Dept. Administration Files, part 22, Papers of the NAACP.

13. Letter from Preston Theodore King to Robert Carter, October 20, 1960, reel 3, Legal Dept. Administration Files, part 22, Papers of the NAACP.

14. "Albany's Preston King Convicted in Draft Evasion Case," *Atlanta Daily World*, Sunday, April 9, 1961; Cynthia Post, "Coming Home, Leaders Praise King Pardon," *Atlanta Daily World*, February 24–25, 2000.

15. Albany Movement president William G. Anderson observed that Albany was a racist town not unlike hundreds throughout the South and even in the North, East, and West. However, the difference was in the "magnitude of the physical and emotional abuse to which Southwest Georgia blacks were subjected." W. G. Anderson, "Reflections on the Origins," 3.

16. Herbert Phipps, interview with author, Atlanta, June 22, 2004.

17. Screws v. United States, 325 U.S. 91 (1945).

18. Ibid.

19. Tushnet, *Making Civil Rights Law*, 50.

20. *Screws v. United States* at 135.

21. Branch, *Parting the Waters*, 408.

22. Ibid., 528.

23. See L. Hollowell and Lehfeldt, *Sacred Call*, 172–75, for information on Hollowell and C. B. King's defense of Charlie Ware in the case State v. Ware, Superior Court of Baker County, Pataula Judicial Cir. (1963); Herbert Phipps, interview with author, Atlanta, June 22, 2004.

24. Charlie Ware, written statement to Donald L. Hollowell and C. B. King, July 22, 1961, Charlie Ware Files, Donald L. Hollowell Personal Archives.

25. Carol King, interview, May 27, 2004.

26. L. Hollowell and Lehfeldt, *Sacred Call*, 172–75.

27. Chalfen, "Way Out May Lead In," 574.

28. L. Hollowell and Lehfeldt, *Sacred Call*, 172.

29. In August 1961, a national conference of SNCC selected Southwest Georgia for a voter registration campaign. The campaign initially centered on rural counties surrounding Albany. When efforts in the more rural areas stalled, SNCC operatives focused on Albany and expanded their efforts beyond voter registration to include protests against segregation. Ricks, "'De Lawd' Descends,'" 3.

30. Congressman John Lewis, interview with author, Atlanta, June 28, 2004.

31. In 1955, the ICC ruled that segregation of passengers on railroads or in terminals subjected them to undue prejudice in violation of the Interstate Commerce Act. However, the ICC generally failed to enforce its ruling until it was pressured by Attorney General Robert Kennedy and the civil rights movement in 1961. The more stringent regulations that strictly forbid discrimination in interstate bus and train terminals were brought on primarily by the Freedom Rides across the South. See Sarah Keys v. Carolina Coach Company, 64 MCC 769 (1955); James Clayton, "ICC Forbids Bus Station Segregation," *Washington Post Times Herald*, September 23, 1961; Rosenberg, *The Hollow Hope*, 64.

32. Branch, *Parting the Waters*, 527. Branch observes that "paranoia was loose among the Negroes" due to concerns about possible "beatings and even massacres at the station." Nonetheless, Sherrod and Reagon were able to rally the spirits of youth council members enough for nine of them to venture to the Trailways station later in the day on November 1.

33. Annette Jones White, "Finding Form for the Expression of My Discontent," in Holsaert et al., *Hands on the Freedom Plow*, 106.

34. L. Hollowell and Lehfeldt, *Sacred Call*, 160. See also Sherrod, interview, February 27, 2009.

35. Key adult leaders who supported the Albany Movement included Emanuel "Bo" and Eliza "Goldie" Jackson, who provided semipermanent housing for Sherrod and Reagon. Garrow, *Bearing the Cross*, 174.

36. An ordinance passed by the City of Albany on August 11, 1942, and still standing in the early 1960s required that all buses operated in the city of Albany should provide separate accommodations for whites and blacks; it imposed on all conductors, drivers, or other employees in charge of said buses the obligation to assign all passengers to their respective seats. The ordinance also provided that white and black passengers should not be carried at the same time in any taxicab for hire and that any person selling tickets for admission to any theater or place of amusement should have separate locations for the sale of tickets to white and black persons. The ordinance even made it unlawful for a white person to remain in a line or group formed of "colored" persons or vice versa for the procuring of tickets.

An ordinance adopted on August 27, 1946, required that every vehicle licensed as a taxicab to carry white passengers should have a sign plainly painted on each side showing the words "For Whites," and every vehicle licensed to carry "colored" passengers should have a sign bearing the words "For Colored." The ordinances made it a criminal offense for any person to violate the provisions of the ordinances. See W. G. Anderson et al., Appellants, v. City of Albany, Appellees, 321 F. 2d 649 (5th Cir. 1963).

37. Roberts and Klibanoff, *Race Beat*, 257; Branch, *Parting the Waters,* 527; Powledge, *Free at Last?*, 354. When blacks marched from Harlem (a predominantly black section of Albany) to the downtown area, city officials' favorite charge for arresting protesters was "parading without a permit."

38. Branch, *Parting the Waters*, 526–28.

39. W. G. Anderson, "Reflections on the Origins," 6. Other scholarly accounts of the Albany Movement place its organizing meeting at the home of Slater King. However, Anderson observes that while several meetings were held at Slater King's home, he "clearly remembered the organizational meeting of 17 Nov. 1961 to be at E. D. Hamilton's house." Hamilton was an Albany civil rights activist, NAACP leader, and well-known dentist.

40. Transcript of telephone conversation between Vernon Jordan, NAACP Field Secretary, and Gloster B. Current, December 14, 1961, Albany case, reel 8, White Resistance and Reprisals, 1956–1965, part 20, Papers of the NAACP.

41. Garrow, *Bearing the Cross*, 176; Powledge, *Free at Last?*, 353. The representatives of each organization caucused and agreed to endorse the Albany Movement, except NAACP leader Dr. E. D. Hamilton. Hamilton explained that the local NAACP would have to consult with regional director Ruby Hurley and field secretary Vernon Jordan before the NAACP could endorse the new organization.

42. L. Hollowell and Lehfeldt, *Sacred Call*, 159–61.

43. Transcript of telephone conversation between Jordan and Current.

44. Carson, *In Struggle*, 59.

45. L. Hollowell and Lehfeldt, *Sacred Call*, 161.

46. Branch, *Parting the Waters*, 531.

47. Grant and Grant, *The Way It Was*, 374.

48. Janie Culbreth Rambeau, "Ripe for the Picking," in Holsaert et al., *Hands on the Freedom Plow*, 95.

49. White, "Finding Form for the Expression of My Discontent," 114.

50. Branch, *Parting the Waters*, 531.

51. Vic Smith, "Charges Brought against Agitators by Albany State," *Albany Herald*, November 29, 1961.

52. Branch, *Parting the Waters*, 532.

53. Garrow, *Bearing the Cross*, 177–78.

54. "Albany Negro Students March, Protest Trials: Bus Mix Hearing Proceeds, NAACP Leader Defends Three," *Albany Herald*, November 27, 1961; Vic Smith, "Judge Fines Five Negroes; State School Suspends Two," *Albany Herald*, November 28, 1961.

55. Vic Smith, "Freedom Riders Face Trials Here," *Albany Herald*, December 11, 1961; transcript of telephone conversation between Jordan and Current; see also Zellner and Curry, *Wrong Side of Murder Creek*.

56. Vic Smith, "Jail Negro Demonstrators as Trials of 11 Open Here," *Albany Herald*, December 12, 1961; transcript of telephone conversation between Jordan and Current.

57. Powledge, *Free at Last?*, 382.

58. Carson, "SNCC and the Albany Movement," 21.

59. Carol King, interview, May 27, 2004; Fred Powledge, *Free at Last?*, 381.

60. Sherrod, interview, February 27, 2009; L. Hollowell and Lehfeldt, *Sacred Call*, 165–66.

61. Roberts and Klibanoff, *Race Beat*, 259.

62. Gordon Roberts, "75 Negroes March on Albany City Hall," *Atlanta Journal,* December 13, 1961.

63. Ricks, "'De Lawd' Descends,'" 5.

64. Anderson, who extended the invitation to King and Abernathy, had known King since his high school days, and he and Abernathy had attended Alabama State College together. Anderson's wife, Norma D. Anderson, who played a significant role as organizer of the women of the Albany Movement, also had known King since high school. Anderson recalled, "It was through the personal persuasion of my wife that Dr. King agreed to come." W. G. Anderson, "Reflections on the Origins," 9–10; Powledge, *Free at Last?*, 363–64.

65. Marches emanated from Shiloh Baptist Church on an almost daily basis. Church leaders provided crucial support to the movement, including allowing SNCC activists to hold meetings in their churches. William Anderson observed that Pastors E. James Grant, Samuel Wells, H. C. Boyd, Roswell Smith, Ben Gay, and the McKendrick brothers provided "complete, unqualified, enthusiastic support." W. G. Anderson, "Reflections on the Origins," 8–10.

66. L. Hollowell and Lehfeldt, *Sacred Call*, 164.

67. Carson, *In Struggle*, 60; Gordon Roberts, "Albany Negroes' Deadline Passes without Response," *Atlanta Journal*, December 16, 1961.

68. WALB News film clip of Rev. Ralph D. Abernathy leading a kneel-in and being arrested in Albany, Georgia, July 27, 1962, Albany Movement compilation, WALB News Film collection, Walter J. Brown Media Archives and Peabody Award Collection, University of Georgia Libraries, Athens.

69. Claude Sitton, "Dr. King among 265 Negroes Seized in March on Albany, Ga., City Hall," *New York Times*, December 17, 1961; Vic Smith, "Peace Prevails as Police Jail More Demonstrators, including M. L. King," *Albany Herald,* December 17, 1961; Gor-

don Roberts, "Albany Police Arrest Dr. King, 266 Others," *Atlanta Journal*, December 16, 1961.

70. Gordon Roberts, "Albany Guard Units Alerted As Race Situation Worsens," *Atlanta Journal*, December 14, 1961.

71. John Pennington, "60-Day Truce Debated in Albany Race Issue," *Atlanta Journal*, December 18, 1961; Vic Smith, "Trials Delayed: City Confers with Negroes," *Albany Herald*, December 18, 1961.

72. Transcript of telephone conference between Ruby Hurley, Vernon Jordan, and Gloster B. Current, December 18, 1961, Albany Case, reel 8, White Resistance and Reprisals, 1956–1965, part 20, Papers of the NAACP; Vic Smith, "Trials Delayed."

73. Pennington, "60-Day Truce Debated."

74. Transcript of telephone conference between Hurley, Jordan, and Current.

75. John Pennington, "Yule Peace Rules Strife-Torn Albany: Racial Troubles End in Truce; Arrested Negroes Being Bonded," *Atlanta Journal*, December 19, 1961; Branch, *Parting the Waters*, 555; Smith, "Trials Delayed."

76. Howard Zinn, "Albany," paper on Albany Movement, reel 17, NAACP Relations with Civil Rights, part 21, Papers of the NAACP. The Wrights were leading figures in the Albany Movement.

77. Transcript of telephone conference between Hurley, Jordan, and Current.

78. Zinn, "Albany," 17.

79. Ibid., 36.

80. Eskew, *But for Birmingham*, 44. See also Kelley and Lewis, *To Make Our World Anew*, xvii.

81. Pennington, "60-Day Truce Debated"; transcript of telephone conference between Hurley, Jordan, and Current.

82. Clayborne Carson, "Civil Rights Reform and the Black Freedom Struggle," in Lewis and Eagles, *Civil Rights Movement in America*, 26–27.

83. Motley, *Equal Justice under Law*, 139.

84. For a study of Ella Baker, see Ransby, *Ella Baker*.

85. Holt, *Children of Fire*, 316–17.

86. Kelley and Lewis, *To Make Our World Anew*, 490.

87. Holt, *Children of Fire*, 317; "Entering Troubled Waters: Sit-ins, the Founding of SNCC, and the Freedom Rides, 1960–1963," part 2 in Holsaert et al., *Hands on the Freedom Plow*, 34.

88. Transcript of telephone conference between Hurley, Jordan, and Current.

89. Andrew Young, interview with author, Atlanta, May 29, 2009.

90. Ibid.

91. Preston King, letter to author, March 12, 2012.

92. Ibid.

93. Garrow, *Bearing the Cross*, 186.

94. Morris, *Origins*, 246.

95. Branch, *Parting the Waters*, 556.

96. L. Hollowell and Lehfeldt, *Sacred Call*, 166.

97. See December 19, 1961, front page stories in the *New York Herald Tribune* and *New York Times* focusing on Martin Luther King Jr.'s "defeat" in Albany and the displeasure of Albany blacks with the settlement. See also the *Albany Herald* news article titled "King Suffered 'Stunning Defeat Here,' Paper States," December 21, 1961.

98. L. Hollowell and Lehfeldt, *Sacred Call*, 163.

99. Ibid.

100. Powledge, *Free at Last?*, 378.

101. Ibid.

102. Oates, "Albany Movement," 30.

103. Pat Watters, "The Arrest of Negro Leadership Wounds Both Albany, America," *Atlanta Journal*, December 18, 1961; Zinn, "Albany."

104. "Outsiders Blamed in Albany Strife: Vandiver Says 'Subversive Elements' Precipitated Racial Strife in City," *Atlanta Journal*, December 18, 1961.

105. "Agitators in Albany Attacked by Vandiver," *Albany Herald*, December 18, 1961.

106. President John F. Kennedy's remarks at news conference, State Department Auditorium, Washington, D.C., August 1, 1962. Document housed in John F. Kennedy Presidential Library and Museum, Boston, Massachusetts.

107. Powledge, *Free at Last?*, 379.

108. Carson, *In Struggle*, 61.

109. Oates, "Albany Movement," 32; see also Powledge, *Free at Last?*, 380.

110. Motley, *Equal Justice under Law*, 138–39; Garrow, *Bearing the Cross*, 208.

111. Motley, *Equal Justice under Law*, 158–59.

112. Joseph E. Lowery, interview with author, Atlanta, June 1, 2004.

113. Ibid.

114. Robert Threatt, interview with author, Atlanta, June 22, 2004.

115. Carol King, interview, May 27, 2004.

116. M. L. King Jr., *Autobiography*, 167–68.

117. Quoted in Crosby, *Civil Rights History*, 19.

118. Ibid., 161.

119. Carson, "Civil Rights Reform," 24.

120. Rambeau, "Ripe for the Picking," 91, 93.

121. Ibid., 98.

122. See Tuck, *Beyond Atlanta*; Chalfen, "Way Out May Lead In."

123. Kelley and Lewis, *To Make Our World Anew*, 497–98. In addition to continued voter registration and protests against segregation led by Albany Movement leaders after 1961–62, they were also active in the fund-raising drive to rebuild churches burned down in Southwest Georgia by arsonists hoping to deter black voter registration and intimidate black voters. Chalfen, "Way Out May Lead In," 570–72.

124. Sherrod, interview, February 27, 2009.

125. Ibid.; Kelley and Lewis, *To Make Our World Anew*, 497.

126. Branch, *Parting the Waters*, 532.

127. Carson, "Civil Rights Reform," 27.

128. Lawson, "Freedom Then, Freedom Now," 456–57. See also Lawson, *Civil Rights Crossroads*.

129. Wilkins, *Standing Fast*, 286.

130. Clayborne Carson, "Civil Rights Reform and the Black Freedom Struggle," 34.

131. L. Hollowell and Lehfeldt, *The Sacred Call*, 162, 176–177.

132. Letter from Howard Moore to author, June 26, 2011, Foot Soldier Project Collection, Russell Research Library for Political Research and Studies, Athens, Georgia.

## CHAPTER SEVEN. Turning the Tide

1. John Ruffin, interview with author, Atlanta, July 19, 2005.

2. James Fair Jr. v. R. P. Balkcom Jr., Warden, No. 21184, Supreme Court of Georgia, 216 Ga. 721, 119 S.E. 2d 691 (1961), March 13, 1961, Argued, April 6, 1961, Decided.

3. L. Hollowell and Lehfeldt, *Sacred Call*, 158.

4. *James Fair Jr.*, City Court of Reidsville, November 18, 1960.

5. Ibid.

6. Ibid.

7. Ibid.

8. Jordan and Gordon-Reed, *Vernon Can Read!*, 135.

9. Payne, *I've Got the Light*, 2.

10. Louis W. Raino, Affidavit, August 29, 1960, James Fair Files, Donald L. Hollowell Personal Archives.

11. Ibid.

12. Cobb v. State of Georgia, Supreme Court of Georgia, 222 Ga. 733 (1966); Cobb v. State of Georgia, 126 S.E. 231, 233 (Ga. 1962).

13. Reel 18, General Dept. Files 1956–1965, Files, Series D: Branch Dept., Branch Dept. File, part 25, Papers of the NAACP.

14. Jordan and Gordon-Reed, *Vernon Can Read!*, 134.

15. Feimster, *Southern Horrors*, 172; Litwack, *Trouble in Mind*, 291.

16. L. Hollowell and Lehfeldt, *Sacred Call*, 172–75.

17. Ward Interview with Leathy Cobb, part 25, Papers of the NAACP.

18. Ibid.

19. Preston Cobb, interview with author and Derrick P. Alridge, Atlanta, July 7, 2005.

20. Ibid.

21. Daniels, *Horace T. Ward* (2001), 171.

22. "NAACP Seeks Georgia Supreme Court Hearing in Cobb Case."

23. Howard Moore, interview with author, Atlanta, June 10, 2004.

24. Letter from Donald L. Hollowell to Thomas Jackson, April 28, 1965, Preston Cobb Files, Donald L. Hollowell Personal Archives.

25. Letter from Thomas Jackson to Donald L. Hollowell, April 9, 1965, Preston Cobb Files, Donald L. Hollowell Personal Archives.

26. Julian Bond, interview with author and Derrick P. Alridge, Charlottesville, Virginia, October 21, 2004.

27. Preston Cobb, interview, July 7, 2005.

28. Cobb v. State of Georgia, 389 S. Ct. 12 (1967), relying on Whitus v. State of Georgia, 385 U.S. 545 (1967).

29. Letter from Donald L. Hollowell to Preston Cobb Jr., February 24, 1964, Preston Cobb Files, Donald L. Hollowell Personal Archives.

30. Letter from Preston Cobb Jr. to Donald L. Hollowell, February 27, 1964, Preston Cobb Files, Donald L. Hollowell Personal Archives.

31. Letter from Donald L. Hollowell to Preston Cobb Jr., November 2, 1964, Preston Cobb Files, Donald L. Hollowell Personal Archives.

32. Taylor v. City of Augusta, Civil Action No. 972 (S.D. Ga. 1962); Grant and Grant, *The Way It Was*, 418–19.

33. George Doss, "4 Negro Ministers Jailed as Bus Boycott Shapes Up," *Macon News*, February 9, 1962.

34. Manis, *Macon Black and White*, 216.

35. Rev. Van J. Malone, interview with author, Macon, Georgia, May 1, 2001.

36. Manis, *Macon Black and White*, 219.

37. Affidavit of Reverends Booker Chambers and Cameron Alexander, February 16, 1962, Bibb Transit Case Files, Donald L. Hollowell Personal Archives.

38. Ibid.

39. "Attorney Hollowell to Address Citizens Today," *Macon Telegraph and News*, February 18, 1962; George Doss, "Boycott of Buses Enters 2nd Week," *Macon News*, February 19, 1962.

40. "Bus Boycott Is Unchanged; No Incidents," *Macon News*, February 20, 1962.

41. Daniels, *Horace T. Ward* (2001), 177–78; Alexander v. Bibb Transit Company, Civ. A. No. 1822 (M.D. Ga. 1962).

42. Manis, *Macon Black and White*, 218.

43. John Lewis, interview with author, Atlanta, Georgia, June 28, 2004.

44. Walter E. Davis, President, Macon NAACP Branch, to Donald L. Hollowell, Bibb Transit Case File, Donald L. Hollowell Personal Archives.

45. Paine College is a historically black liberal arts college located in Augusta, Georgia. The institution was established by the Christian Methodist Episcopal Church. See Lakey, *History of the CME Church*; Sommerville, *Ex-Colored Church*.

46. Report of Vernon E. Jordan Jr., Georgia Field Secretary, The Augusta Story, Atlanta, Georgia, May 3, 1962, Delta 9, White Resistance and Reprisals, 1956–1965, Augusta, Georgia, part 20, Papers of the NAACP.

47. Constance Curry, "An Official Observer," in Holsaert et al., *Hands on the Freedom Plow*, 47.

48. Report of Vernon E. Jordan Jr.

49. Letter from Roy Wilkins, Executive Secretary to NAACP Branches, Youth Councils, and College Chapters, RE: Support Needed for the Legal Defense of Augusta, Georgia Youths, Delta 9, White Resistance and Reprisals, 1956–1965, part 20, Papers of the NAACP.

50. "A Brief Resume Surrounding the Situation Concerning the Seven Boys Charged with Murder," Delta 9, White Resistance and Reprisals, 1956–1965, part 20, Papers of the NAACP.

51. Letter from J. D. Watkins to Donald L. Hollowell, May 7, 1962, Delta 9 Files, Donald L. Hollowell Personal Archives.

52. L. Hollowell and Lehfeldt, *Sacred Call*, 184–85.

53. Ruffin, interview, July 19, 2005.

54. L. Hollowell and Lehfeldt, *Sacred Call*, 185.

55. Letter from Howard Moore to author, June 26, 2011.

56. "Police Shots Kill Youth," *Macon Telegraph*, October 14, 1962.

57. Report of the Secretary to the Board of Directors for the month of November 1962, December 10, 1962, 1961–1965, Papers of the NAACP.

58. Moore, interview, June 10, 2004.

59. Howard Gorham, "Macon Policeman Ordered Held on Murder Charges," *Macon Telegraph*, October 20, 1962.

60. Kruse, *White Flight*, 3, 40.

61. Harold Gulliver, "City's Progressive Reputation Hurt, White-Negro 'Buffer Zone' in Atlanta Provokes Bitter Dispute, Deep Rifts," *Washington Post*, January 14, 1963.

62. Kruse, *White Flight*, 4.

63. Ted Simmons and Jack Strong, "Race Buffer Goes Up, Is Hit in Court," *Atlanta Journal*, December 20, 1962.

64. Moore, interview, June 10, 2004.

65. L. Hollowell and Lehfeldt, *Sacred Call*, 183.

66. Ibid., 182.

67. "Peyton Area to Become Finest Integrated Community in Nation," *Atlanta Inquirer*, March 9, 1963.

68. "Peyton Wall Now Tumbled," *Atlanta Inquirer*, March 9, 1963.

69. Kruse, *White Flight*, 5.

70. Evans v. Abney, 165 S.E. 2d 160 S. Ct. (Ga. 1968).

71. Ibid.

72. Evans v. Newton, 382 U.S. 296, 86 S. Ct. 486, 15 L. ed. 2d 373 (1966).

73. Evans v. Abney.

74. Letter from Howard Moore to author, June 30, 2011, Foot Soldier Project Collection, Russell Research Library for Political Research and Studies, Athens, Georgia.

75. Walker, *Sit-Ins in Atlanta*, 3.

76. "Negroes Demand Mixing at Hospital," *Macon Telegraph and News*, January 7, 1962.

77. Daniels, *Horace T. Ward* (2001), 175.

78. Bell et al. v. Fulton-DeKalb Hospital Authority et al., Civ. A. No. 7966 (N.D. Ga. 1964), settled out of court.

79. Bell v. Georgia Dental Association, 231 F. Supp. 299 (N.D. Ga. 1964). For a review of obstacles faced by black health-care professionals and patients before the *Bell* cases, see Kuhn, Joye, and West, *Living Atlanta*, 233–55.

80. Ibid.

81. Letter from Horace T. Ward to Michael Meltsner, February 17, 1964, *Bell* Case Files, Donald L. Hollowell Personal Archives.

82. Letter from Howard Moore Jr. to Donald L. Hollowell, July 2, 1964, Civil Rights Files, Donald L. Hollowell Personal Archives.

83. Ibid.

84. Letter from Jack Greenberg to Donald L. Hollowell, July 22, 1964, Civil Rights Files, Donald L. Hollowell Personal Archives.

85. George Willis, Jr., Woodrow T. Lewis, and Albert L. Dunn, Plaintiffs, Robert F. Kennedy, Attorney General, Intervenor v. The Pickrick Restaurant, a Corporation, and Lester G. Maddox, Defendants, 234 F. Supp. 179 (D.C. N.D. Ga. 1964).

86. Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964); Hollowell's high profile sit-in cases also included a case involving Mardon Walker, a white protester who was arrested and jailed during a sit-in demonstration at an Atlanta Krystal restaurant. Judge Pye presided over the original case. Pye despised black attorneys and protesters, but he reserved his "greatest disdain for [their] white allies." For the misdemeanor charge, Pye sentenced Walker to twelve months on public works and six months in jail. Hollowell and Howard Moore ultimately appealed the case to the U.S. Supreme Court, which overturned Pye's ruling. See Mardon Walker v. State of Georgia, 220 Ga. 415, 139 S.E. 2d 278 (1964); 381 U.S. 355, 85 S. Ct. 1557, 14 L. Ed. 2d 681 (1965); Brown-Nagin, *Courage to Dissent*.

87. Brown-Nagin, *Courage to Dissent*, 333–34.

88. Gaines v. Dougherty County Board of Education, 222 F. Supp. 166 (1963).

89. Motley, *Equal Justice under Law*, 146–47.

90. Daniels, *Horace T. Ward* (2001), 174; see also Harris v. Gibson, 322 F. 2d 780 (5th Cir. 1963); Stell v. Savannah-Chatham County Board of Education, 333 F. 2d 55 (5th Cir. 1964).

91. Letter from Donald L. Hollowell to Derrick Bell, July 8, 1963, Donald L. Hollowell Personal Archives.

92. Letter from Derrick A. Bell Jr. to Donald L. Hollowell, July 12, 1963, Macon School Files, Donald L. Hollowell Personal Archives.

93. See Bivins v. Bibb County Board of Education, 342 F. 2d 229 (5th Cir. 1965), Bivins v. Bibb County Board of Education, 460 F. 2d 430, (1972); Acree v. County Board of Education of Richmond County, Georgia, 294 F. Supp. 1034 (1968).

94. Letter from John H. Ruffin to Donald L. Hollowell, September 10, 1964, *Acree v. Board of Education* Files, Donald L. Hollowell Personal Archives.

95. Letter from Maris L. Marcus to Donald L. Hollowell, December 29, 1964, *Overstreet* Files, Donald L. Hollowell Personal Archives. With this letter, LDF counsel Maris L. Marcus sent Hollowell a draft of the *Overstreet* brief and asked him to add relevant points on the Georgia law of evidence and to file the brief in its final form.

96. Letters from Donald L. Hollowell to Robert Carter, November 16, 1963, and April 29, 1964, *Overstreet* Files, Donald L. Hollowell Personal Archives.

97. NAACP v. Overstreet, 221 Ga. 16 (1965) 142 S.D. 2d 816; NAACP et al. v. Overstreet, 384 U.S. 118, 86 S. Ct., 1306, 16 L. Ed. 2d 409 (1966).

98. Rabinowitz v. United States, 366 F. 2d 34 U.S. App. (1966); and Jackson v. United States, 366 F. 2d 34 U.S. App. (1966).

99. Letter from Julia Jackson and Freddie Jackson to Donald L. Hollowell, November 23, 1957, Augusta Civil Rights Files, Donald L. Hollowell Personal Archives.

100. Letter from Robert L. Johnson to Donald L. Hollowell, April 14, 1965, Civil Rights Files, Donald L. Hollowell Personal Archives.

101. Letter from Howard K. Patterson to Donald L. Hollowell, July 21, 1965, Civil Rights Files, Donald L. Hollowell Personal Archives.

102. Letter from Crisp County Prison Work Camp black inmates to Donald L. Hollowell, July 21, 1965, Civil Rights Files, Donald L. Hollowell Personal Archives.

103. Wright v. State, 210 Ga. 212, 78 S.E. 2d 494 (1953).

104. Letter from Donald L. Hollowell to Jennie Wright, January 2, 1954, Civil Rights Files, Donald L. Hollowell Personal Archives.

105. Letter from Donald L. Hollowell to the Honorable Maston O'Neal, February 2, 1962, Civil Rights Files, Donald L. Hollowell Personal Archives.

106. Louise T. Hollowell, interview with author, Atlanta, May 27, 2004.

107. Donald L. Hollowell, interview with author, Atlanta, July 27, 1993.

108. L. Hollowell and Lehfeldt, *The Sacred Call*, 86; Donald Hollowell, interview, July 27, 1993.

109. L. Hollowell and Lehfeldt, *Sacred Call*, 87.

## CHAPTER EIGHT. Hollowell's New Marching Orders

1. Zinn, *Albany*, 23.

2. Rev. Charles Sherrod, interview with author and Derrick P. Alridge, February 27, 2009, Albany, Georgia.

3. Carson, *In Struggle*, 142.

4. 24th Amendment to the Constitution, Civil Rights Act of 1964, Pub. L. No. 88–353, 78 Stat. 241 (2002).

5. W. Marvin Watson, January 17, 1966, memorandum to President Lyndon Johnson, John Macy File, Lyndon B. Johnson Library and Museum, Austin, Texas (hereafter cited as John Macy File).

6. Lou Schwartz Evaluation of Donald Hollowell, Source: Boisfeuillett Jones, Atlanta Attorney, November 24, 1965, John Macy File.

7. Lou Schwartz, January 10, 1966, memorandum to John Macy Jr., John Macy File.

8. John Macy Jr., memorandum to President Lyndon Johnson, January 13, 1966, John Macy File.

9. "Pressure Up for Hollowell to Head Dixie OEO," *Jet Magazine*, January 20, 1966.

10. L. Hollowell and Lehfeldt, *Sacred Call*, 212–13.

11. Letter from Howard Moore to author, June 26, 2011, Foot Soldier Project Collection, Russell Research Library for Political Research and Studies, Athens, Georgia. William H. Alexander, a native of Macon, Georgia, completed his undergraduate studies at Fort Valley State College before entering the University of Michigan law school. He served in the Georgia Legislature until 1975. Beginning in 1975, he held several judicial positions including Atlanta City Court judge, Fulton Criminal Court judge, and Fulton Superior Court judge.

12. Gerardo Ebanks, *Atlanta Inquirer*, "Hollowell to Reconcile Management and Labor," February 5, 1966.

13. Quoted in L. Hollowell and Lehfeldt, *Sacred Call*, 213.

14. Hollowell retired as EEOC regional attorney in 1985. For a discussion of Hollowell's experiences as EEOC director, see L. Hollowell and Lehfeldt, *Sacred Call*.

15. Ibid., 216–20.

16. McNeil, *Groundwork*, 222.

17. The files for the Southern Regional Council's Voter Education Project are archived at the Robert W. Woodruff Library of the Atlanta University Center.

18. Joseph E. Lowery, interview with author, Atlanta, June 1, 2004.

19. L. Hollowell and Lehfeldt, *Sacred Call*, 226.

20. Ibid., 204–6.

21. Lou Schwartz Evaluation of Donald Hollowell, Source: Boisfeuillett Jones, Atlanta Attorney, November 24, 1965, John Macy File.

22. Tom Greene, "Hollowell Charges Divisive Efforts," *Atlanta Constitution,* September 18, 1964.

23. "Ministers Union Sets 'Hollowell Sunday'—Gives Endorsement: Group of 175 Churches Gives Solid Support," *Atlanta Inquirer*, August 15, 1964.

24. "Cite Poor Turnout, Polling Irregularities: Over 30,000 Negroes Fail to Vote," *Atlanta Inquirer*, September 12, 1964.

25. Goldman, *Picking Federal Judges*, 185. See also "Negro Judge in South Is Urged," *Washington Post,* November 10, 1966.

26. Memorandum from Larry Temple to President Lyndon Johnson, July 15, 1968, Lyndon Johnson White House Central Files, Lyndon B. Johnson Library and Museum, Austin, Texas.

27. See Kalman, *Abe Fortas*.

28. Howard Moore Jr., interview with author, Berkeley, California, June 25, 2011; L. Hollowell and Lehfeldt, *Sacred Call*, 219.

29. Art Pine, "Hollowell's Chances 'Cloudy' of Getting Circuit Judgeship," *Atlanta Journal* and *Atlanta Constitution*, July 28, 1968.

30. Herman Talmadge, interview with author, Hampton, Georgia, January 23, 1995.

31. Memorandum from Larry Temple to President Lyndon Johnson, July 13, 1968, Lyndon Johnson White House Central Files, Lyndon B. Johnson Library and Museum, Austin, Texas; Goldman, *Picking Federal Judges*, 186.

32. Ibid.

33. In an article titled "Black Barrister at the Southern Bar," Howard Moore describes the working conditions for a civil rights lawyer in the South. Moore observes that due to civil rights lawyers being constantly overworked, they did not have "the time to think adequately about the professional, organizational, or financial aspects of practice." See Howard Moore, "Black Barrister at the Southern Bar," in *Black, Radical Lawyers*, 153–58.

34. Memorandum from Tom Johnson to President Lyndon Johnson, June 25, 1968, Lyndon B. Johnson Library and Museum, Austin, Texas.

35. Carter, *Politics of Rage*, 13. Other southern politicians who symbolized segregation also abandoned their resistance to civil rights as legislation such as the Voting Rights Act, the Civil Rights Act, and U.S. Supreme Court decisions unraveled state-sanctioned racial discrimination. See also Bass and Thompson, *Ol' Strom*.

36. L. Hollowell and Lehfeldt, *Sacred Call*, 223–24.

37. Talmadge, interview, January 23, 1995.

38. L. Hollowell and Lehfeldt, *Sacred Call*, 223.

39. Lowery, interview, June 1, 2004.

40. Daniels, *Horace T. Ward* (2004), 200–201.

41. U.S. District Court: *Northern District of Georgia Oath of Office Ceremony for the Honorable Horace T. Ward*, Atlanta, 1979, Horace T. Ward Collection. Archives and Special Collections, Robert W. Woodruff Library, Atlanta University Center, Atlanta.

42. Donald L. Hollowell, interview with author, Atlanta, July 27, 1993.

43. Letter from Howard Moore to author, June 30, 2011, Foot Soldier Project Collection, Russell Research Library for Political Research and Studies, Athens, Georgia.

44. L. Hollowell and Lehfeldt, *Sacred Call*, 139.

45. Arrington, *Making My Mark*, 114.

46. Quoted in L. Hollowell and Lehfeldt, *Sacred Call*, 228.

47. Louise T. Hollowell, interview with author, Atlanta, Georgia, May 17, 2004; L. Hollowell and Lehfeldt, *Sacred Call*, 228.

48. Marvin Arrington, interview with author, Atlanta, Georgia, July 2, 2001.

49. Mayor Shirley Franklin, "Comments on the Occasion of the Homecoming Service of Donald Hollowell," Atlanta, Georgia, December 31, 2004.

50. John Lewis, interview with author, Atlanta, Georgia, June 28, 2004.

51. Julian Bond, interview with author and Derrick P. Alridge, Charlottesville, Virginia, October 21, 2004.

52. See "Legal Mentor Donald Hollowell Gets Stretch of Ga. Road Named for Him," *Atlanta Inquirer*, December 5, 1998.

53. Johnson v. Georgia, 362 U.S. 923, 80 S. Ct. 680, 4 L. Ed. 2d 744, U.S. App. LEXIS 1504 (1960).

54. Johnson v. Plunkett, Sheriff, et al., 215 Ga. 353, 110 S.E. 2d 745 (1959).

55. Jordan, *Vernon Can Read!*, 130–33.

56. Ibid., 131.

57. Ibid, 132. See also State of Georgia Office of Planning and Analysis, "A History of the Death Penalty in Georgia: Executions by Year, 1924–2009," State of Georgia Department of Corrections, January 2010.

58. "UGA Endows Donald L. Hollowell Professorship," *Atlanta Daily World*, April 23, 2010; Daniels and Patterson, "(Re)considering Race."

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